UNIVERSITY OF LONDON LIBRARY

THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

REFERENCE ONLY

PARL. PAPERS
OR REFERENCE ONLY.

UNIVERSITY OF LONDON
LIBRARY

619995

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_march-may-1854_132

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

17° VICTORIÆ, 1854.

VOL. CXXXII.

COMPRISING THE PERIOD FROM

THE TWENTY-NINTH DAY OF MARCH

TO

THE EIGHTH DAY OF MAY, 1854.

Third Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;
J. RIDGWAY; J. BIGG AND SON; J. BAIN; ALLEN AND CO.; J. M. RICHARDSON;
P. RICHARDSON; R. BALDWIN; AND J. DALTON.
1854.

BIBL. LONDIN. UNIV.

LONDON:
WOODFALL AND KINDER, PRINTERS,
ANGEL COURT, SKINNER STREET.

TABLE OF CONTENTS

TO

VOLUME CXXXII.

THIRD SERIES.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.
II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.
III. NEW MEMBERS SWORN.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

THURSDAY, MARCH 30. *Page*

Administration of the Criminal Law—Prosecutions for Petty Offences—Question of Lord Campbell 54
The War with Russia—The Russian Fleet in the Black Sea—Question of the Earl of Malmesbury 58
Testamentary Jurisdiction Bill—House in Committee 59

FRIDAY, MARCH 31.

The War—Day of Humiliation and Prayer—Question of the Earl of Roden ... 138
War with Russia—Her Majesty's Message—Motion of the Earl of Clarendon for an Address to Her Majesty, in answer to Her Majesty's most Gracious Message—Motion *agreed to*—Address to be presented to Her Majesty by the whole House 140

MONDAY, APRIL 3.

The Address to Her Majesty—The Queen's Answer—The Lord Chancellor *reported* Her Majesty's Answer to the Address 308
Church Building Acts Amendment Bill—Bill read 2^a 309
Testamentary Jurisdiction Bill—House in Committee 320

TUESDAY, APRIL 4.

Bills of Exchange Bill—Bill read 2^a 359
Chimney Sweepers Bill—Motion of the Earl of Shaftesbury, that the Bill be referred to a Select Committee—Motion *agreed to* 364
Wives and Children of Soldiers in the East—Motion of Lord St. Leonards for Returns—Motion *agreed to* 367

THURSDAY, APRIL 6.

War with Russia—Conveyance of Russian Troops through the Black Sea—Question of the Earl of Malmesbury 484
Reform of the Cambridge University—Question of Lord Lyndhurst ... 490
Arbitration Law Amendment Bill—Bill read 2^a 491
Scottish Rights—*Presentation* of Petition by the Earl of Eglinton ... 496

a 2

TABLE OF CONTENTS.

Friday, April 7. *Page*

Unauthorised Negotiations Bill—*Presentation* of Bill by Lord Campbell—Bill read 1ª ... 605
The Administration of the Army—Statement of Earl Grey, and Motion for the Production of Papers—Motion *agreed to* ... 606
Testamentary Jurisdiction Bill—Motion of the Lord Chancellor for the Third Reading of the Bill—Amendment of Lord Wynford, that the Bill be read a Third Time this day Six Months—Amendment *negatived* by a Majority of 2—Bill read 3ª ... 670

Monday, April 10.

The British Minister at St. Petersburg—Detention of his Property—Question of Lord Lyndhurst ... 779
Conveyance of Real Property Act Amendment Bill—*Presentation* of Bill by Lord Brougham—Bill read 1ª ... 780
Parliamentary Papers—Question of Lord Campbell ... 781

Tuesday, April 11.

War with Russia—The German Powers—Question of Lord Beaumont ... 814
Bankruptcy and Insolvency (Scotland) Bill—Motion of Lord Brougham for the Second Reading of the Bill—Motion *agreed to*—Bill read 2ª ... 819
County Court Fees—Question of Lord Brougham ... 831
Ministers' Money (Ireland) Bill—Motion of Lord Stanley of Alderley, that the Bill be now read a Second Time—Motion *agreed to*—Bill read 2ª ... 833
Parliamentary Representation Bill—Question of the Earl of Hardwicke ... 834

House Adjourned for the Easter Vacation.

Thursday, April 27.

The War with Russia—The Army in Turkey—The Black Sea Fleets—Statement and Question of the Earl of Ellenborough ... 906

Monday, May 1.

The Ticket-of-Leave System—Statement of Lord St. Leonards ... 1034
Municipal Institutions for Calcutta—*Presentation* of Petition by the Earl of Albemarle ... 1037
Income Tax Bill—Motion of the Earl of Granville for the House to be put into a Committee—Motion *agreed to*—House in Committee—Bill *reported* without Amendment; to be read a Third Time To-morrow ... 1042

Tuesday, May 2.

Bankruptcy and Insolvency (Scotland) Bill—*Presentation* of Petition by the Lord Chancellor ... 1173
Income Tax Bill—Bill read 3ª, and *passed* ... 1175
Law of Settlement and Removal—*Presentation* of Petition and Question of Lord Berners ... 1182
The Conduct of Business—Motion of Lord Redesdale, "That this House will not read any Bill a Second Time after the 25th of July," &c.—Motion *agreed to* ... 1188

Thursday, May 4.

Bankruptcy and Insolvency (Scotland) Bill—Explanation of Lord Brougham ... 1220
The Ticket-of-Leave System—Statement of Lord St. Leonards ... 1221

Friday, May 5.

The War with Russia—Bombardment of Odessa—The Duke of Cambridge—Question of the Marquess of Clanricarde ... 1281
Chimney Sweepers Bill—Motion of the Earl of Shaftesbury, "That the Bill be now read a Third Time"—Amendment of the Earl of Clancarty, "That the Bill be read a Third Time this day Six Months"—Amendment *negatived*—Bill read 3ª, and *passed* ... 1283

Friday, May 5—*continued.* *Page*

The War with Russia—Operations in the Black Sea—Question of the Marquess of Clanricarde ... 1286

Monday, May 8.

Bankruptcy and Insolvency (Scotland) Bill — Petition — Statement of Lord Brougham ... 1393
Administration of Justice (Ireland)—Motion of the Marquess of Westmeath for Papers, &c.—Motion *agreed to* ... 1395

II. Subjects of Debate in the House of Commons.

Wednesday, March 29.

Episcopal and Capitular Estates Bill—Motion of the Marquess of Blandford for the Second Reading of the Bill—Amendment of Sir W. Clay, that the Bill be read a Second Time this day Six Months—Debate Adjourned till Thursday, April 6 ... 1

Thursday, March 30.

Rights of Neutral Vessels—Questions of Mr. Headlam and Mr. Mitchell ... 62
Quarantine Regulations in Gibraltar—Question of Mr. Ricardo ... 66
The Army—Soldiers' Wives—The Wives and Families of Soldiers ordered for Service in the East—Motion of Colonel Harcourt for Returns—Returns *ordered* ... 66
Resignation of Mr. Baines—Personal Explanations—Statement of Mr. Baines 72
Income Tax Bill—Bill read 3°, and *passed* ... 81
Conventual and Monastic Institutions—Adjourned Debate (Second Night)—Order read for resuming Adjourned Debate on Question [28th March]—Debate *resumed*—Debate *further adjourned* till *Thursday*, April 6 ... 112

Friday, March 31.

Dungarvan Election—Report of the Committee *brought up* by Mr. Napier ... 198
War with Russia—The Queen's Message [27th March] *considered*—Motion of Lord John Russell for an Address to Her Majesty in Answer to Her Majesty's most Gracious Message—Motion *agreed to*—*Ordered,* That the said Address be presented to Her Majesty by the whole House ... 198

Monday, April 3.

War with Russia—The Address—Mr. Speaker *brought up* Her Majesty's Answer to the Address ... 325
North London Railway—Bill read 3°—Further Proceedings *adjourned* till *Monday*, April 10 ... 326
Mr. Stonor's Case—Question of Lord Dudley Stuart ... 334
Bribery, &c. Bill—Order for Committee read—Amendment of Mr. V. Smith, that "the Bill be committed to a Select Committee"—Amendment *negatived* by a Majority of 70—House in Committee ... 336

Tuesday, April 4.

Dublin University—Motion of Mr. Fagan, for Leave to bring in a Bill—Motion *negatived* ... 376
Criminal Conversation—Motion of Mr. Bowyer, for Leave to bring in a Bill—Motion *agreed to* ... 418

TUESDAY, APRIL 4—*continued.*

Page
Postal Communication (Arran)—Motion of Mr. Bellew, for an Address to Her Majesty for the establishment of Postal Communication with the Islands of Arran, West Coast of Ireland—Motion *agreed to* by a Majority of 12 ... 424
The Slave Trade—Motion of Sir George Pechell for Returns—Returns *ordered* 426
Criminal Procedure Bill—Motion of Mr. Aglionby, for Leave to bring in a Bill—Motion *agreed to*—Bill read 1° 431
The Arctic Expedition—Motion of Sir Thomas Acland for Copies of Instructions issued—Copies *ordered* 437
Education (Scotland) Bill—Second Reading of the Bill *deferred* till *Friday*, May 5 441

WEDNESDAY, APRIL 5.

Middlesex Industrial Schools Bill—Order for Second Reading read—Amendment of Lord Dudley Stuart, that the Bill be read a Second Time this day Six Months—Amendment *withdrawn*—Bill read 2°, and *committed* to a Select Committee 443
Public Libraries and Museums Bill—Order for Second Reading read—Amendment of Mr. Fitzroy, that the Bill be read a Second Time this day Six Months —Amendment *agreed to*—Bill *put off* for Six Months 453
Uniform Assessment Bill—Motion of Mr. Peto for Second Reading—Amendment of Mr. Vincent Scully, that the Bill be read a Second Time this day Six Months—Amendment and Motion *withdrawn*—Bill *withdrawn* ... 464
County Courts Extension Act Amendment Bill—Bill read 2° ... 467
Property Disposal Bill—Order for Second Reading read—Debate *adjourned* till *To-morrow*, April 6 470

THURSDAY, APRIL 6.

Relations of Turkey and Greece—Question of Mr. Monckton Milnes ... 522
Rights of Neutrals—Question of Mr. Hutt 525
Under Secretary for Ireland—Question of Sir R. Ferguson 526
Appointment of Mr. Stonor—Motion of Mr. G. H. Moore for the Appointment of a Select Committee—Amendment of Mr. J. D. Fitzgerald, to leave out the latter part of the Motion—Amendment *withdrawn*—Motion *agreed to* by a Majority of 78—Division List 527
Registration of Births, &c. (Scotland)—Motion of Lord Elcho, for Leave to bring in a Bill—Motion *agreed to* 569
Real Estate Charges Bill—Motion of Mr. Locke King, for Leave to bring in a Bill—Motion *agreed to*—Bill read 1° 578
Emigration Depôt (Ireland)—Motion of Mr. I. Butt for the Establishment of a Depôt at one of the Irish Ports—Motion *withdrawn* 579
Railway and Canal Traffic Regulation Bill—Motion of Mr. Cardwell, for Leave to bring in a Bill—Motion *agreed to*—Bill read 1° 585

FRIDAY, APRIL 7.

Consolidation of the Statutes—Question of Mr. Bowyer 672
Oxford University Bill—Bill read 2° 672

MONDAY, APRIL 10.

The Indian Budget—Question of Mr. Hume 784
The Newfoundland House of Assembly—Question of Sir John Pakington ... 785
Colonial Clergy Disabilities Bill—House in Committee 786

TUESDAY, APRIL 11.

Postponement of the Reform Bill—Statement of Lord John Russell ... 836
Business of the House—Statement of Lord John Russell—Orders of the Day to have precedence of Notices of Motions upon Thursdays 872
The Turkish and Greek Government—Question of Mr. Milner Gibson ... 875
Payment of Wages Bill—Nomination of the Select Committee ... 876

TUESDAY, APRIL 11—*continued.* Page
Financial Statement—Public Income and Expenditure—Statement of the Chancellor of the Exchequer 878
HOUSE ADJOURNED FOR THE EASTER VACATION.

THURSDAY, APRIL 27.
Assimilation of Colonial Duties—Question of Mr. Ewart 920
Russian Prizes taken in the Baltic—Question of Mr. Milner Gibson ... 920
Oxford University Bill—Order for Committee read—Amendment of Mr. Heywood, that the Bill be committed to a Select Committee—Amendment *negatived* by a Majority of 82—House in Committee—House resumed—Committee report progress; to sit again on *Monday*, May 1 921

FRIDAY, APRIL 28.
The War with Russia—Transport of Troops—Question of Sir John Walsh ... 993
Roman Catholics in the Navy—Question of Mr. D. O'Connell ... 994
The War with Russia—Operations in the Black Sea—Question of Lord Dudley Stuart 996
The War with Russia—Austrian Occupation of Servia—Question of Lord Dudley Stuart 998
The War with Russia — The Troops at Gallipoli — Question of Mr. Digby Seymour 999
The Greek Insurrection—Statement and Question of Mr. Cobden ... 1003
Sir Hamilton Seymour—Statement of Lord John Russell 1033

MONDAY, MAY 1.
Oxford University Bill — Order for Committee read — House in Committee: Clause 1 (Appointment of Commissioners) — Amendment of Mr. Horsman for the omission of the Names of certain Persons—Amendment *negatived* by a Majority of 28—Division List—Clauses 2 and 3 *agreed to*—Clause 4 (Commissioners empowered to require the production of documents, &c.)—Amendment of Sir William Heathcote *negatived* by a Majority of 48—Division List—Clause 5 *agreed to*—Clause 6 (Composition of Hebdomadal Council)—Amendment of Mr. Walpole, respecting the Selection, *agreed to* by a Majority of 13—Division List—Amendment of Mr. Disraeli, after the word "Professors," to add the words "of Theology"—Amendment *negatived* by a Majority of 13—Division List—House resumed—Committee to sit again on Thursday, May 4 1105
Public Prosecutors Bill—Bill *withdrawn* 1169
Witnesses Bill—Bill read 2° 1170
Militia Bill—Bill read 1° 1171

TUESDAY, MAY 2.
House Counted Out 1190

WEDNESDAY, MAY 3.
Mortmain Bill—Bill read 2° 1190
Criminal Conversation Bill—Motion of Mr. Bowyer, that the Bill be now read a Second Time—Amendment of Mr. Collier, that the Bill be read a Second Time this day Six Months—Amendment *agreed to* by a Majority of 72—Bill *put off* for Six Months 1197
Declarations Bill—Motion of Mr. A. Pellatt, that the Bill be now read a Second Time—Amendment of the Attorney-General, that the Bill be read a Second Time this day Six Months—Amendment *agreed to* by a Majority of 99—Bill *put off* for Six Months 1209
Carlisle Canonries—Motion of Mr. Ferguson, that the Bill be now read a Second Time—Amendment of Mr. Goulburn, that the Bill be read a Second Time this day Six Months—Amendment *agreed to* by a Majority of 8—Bill *put off* for Six Months 1213

WEDNESDAY, MAY 3—*continued.* Page
Conventual and Monastic Institutions—Adjourned Debate (Third Night)—Order read for resuming Adjourned Debate on Amendment proposed to Question [30th March]—Debate *resumed*—Debate *further adjourned* till *To-morrow* 1216

THURSDAY, MAY 4.
Cuban Slave Trade—Question of Sir George Pechell 1223
The Ticket-of-Leave System—Question of Mr. F. Scully 1223
The War with Russia—The Correspondents of the Press—Question of Lord Lovaine 1226
The War with Russia—Coals for the Black Sea Fleet—Question of Mr. Ewart 1227
Transport of Horses to Turkey—Question of Sir John Walsh 1228
Railway and Canal Traffic Regulation Bill—House in Committee *pro formâ* ... 1229
Militia Bill—Bill read 2°, and *committed* for *To-morrow* 1250
Oxford University Bill—House in Committee—Clause 6 (Constitution of the Hebdomadal Council), Amendment of Sir J. Pakington, to leave out the word "Congregation," and insert the word "Convocation"—Amendment *negatived* by a Majority of 16—Clauses 7 and 8 *agreed to*—Clause 9 *struck out*—Clause 10 *agreed to* 1252
Royal Military Asylum—Motion of Mr. Oliveira for an Address—Motion *withdrawn* 1276

FRIDAY, MAY 5.
The Civil Service—Question of Mr. Labouchere 1305
Bombardment of Odessa—Question of Mr. French 1307
The Russo-Dutch Loan—Question of Lord Dudley Stuart 1308
Military Rewards—Question of Major Wynn 1308
Public Business—Standing Orders 1309
Supply—Supplemental Navy Estimates—House in Committee ... 1311
Supply—Army Estimates—House in Committee 1375
Railway and Canal Traffic Regulation Bill—House in Committee ... 1389
Militia Bill—House in Committee 1392

MONDAY, MAY 8.
Public Business—Government Orders of the Day to have precedence of other Orders of the Day on all Thursdays after the 20th of May 1407
The Financial Statement—Ways and Means—House in Committee—Statement of the Chancellor of the Exchequer—Resolutions to be reported *To-morrow*—Other Resolutions to be reported on Monday, May 15—Committee to sit again on Wednesday 1413
Manning the Navy—Bill read 1° 1494
INDEX, &c.

III. NEW MEMBERS SWORN.

MONDAY, APRIL 3.

Liskeard—Ralph William Grey, Esq., *v.* Richard Budden Crowder, Esq., Puisne Judge, Court of Common Pleas.

Tynemouth—William Schaw Lindsay, Esq., *v.* Hugh Taylor, Esq., void Election.

TUESDAY, APRIL 4.

Westmoreland County—Earl of Bective, *v.* William Thompson, Esq., deceased.

WEDNESDAY, APRIL 5.

Durham County (*Northern Division*)—Lord Adolphus Vane, *v.* Viscount Seaham, now Earl Vane.

THURSDAY, APRIL 27.

Southampton—Sir Alexander James Edmund Cockburn, Recorder of Bristol, Re-elected.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 31 JANUARY, 1854, IN THE SEVENTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, March 29, 1854.

EPISCOPAL AND CAPITULAR ESTATES BILL.

ORDER for Second Reading read.

THE MARQUESS OF BLANDFORD said, he rose to move the second reading of the Episcopal and Capitular Estates Bill; but before he entered into any argument relating to the question, he would wish earnestly to call the attention of the House to the important nature of the subject, and to the grave issues that were involved in the measure. And much as he had endeavoured to give his most anxious consideration to the question—much as he believed that the provisions of the measure were such as would be found ultimately well adapted to effect the important ends which were required—it was not without some feeling of satisfaction that he asked the House now to entertain the subject, knowing that it would there receive that prudent investigation and consideration which, before its assent was finally given—if that assent was to be finally given—would render its provisions amply sufficient to carry out the objects which he had in view. The Bill now before the House related to the rights, and, in some instances, to the disposal of property, of immense annual value; and it proposed a mode of administration for that property which should render it capable not only of sustaining and supporting those time-honoured institutions for whose benefit it was first originally intended, but also by an improved mode of administration, would enable it to supply those great spiritual and parochial wants of the country which ought to occupy our most earnest attention. Certainly such a measure was deserving of the greatest attention of the House, and he was glad that it had fallen to his lot to propose it, for the House would allow him to say there were subjects of equal, if not of greater importance, than those which usually occupied its attention, which it was their bounden duty to discuss—he meant those subjects relating to the spiritual interests of the people, and to their welfare, not only for time, but also for eternity. And here he felt bound in his conscience to say, if it was desired to obtain the Divine blessing for the country—its prosperity at home, and its immunity and protection from invasion from without—that he believed no surer method could be adopted—and in expressing that opinion, he felt he would have the concurrence of every Member of the House—of attaining that end and that benefit than by that House, the responsible legislative body of the country, having due regard to the spiritual interests of the people. On entering upon the consideration of the question, the course which it was best for him to adopt would be to endeavour to state the actual condition of the case at present, the law affecting both episcopal and capitular bodies, the peculiar system of administration under which this property had been brought by various Acts of Parliament, and the peculiar condition in which it was now placed in consequence of the Acts which had been passed. And, first of all, he would call the attention of the House to the general system of limitation of incomes which was introduced some time ago. When an inquiry was first instituted into the property of the Church by a Commission, which sat in 1834, 1835, and 1836, it was found that the incomes were most unequally distributed, and that it would be necessary to have regard to those means by which increased supplies might be obtained for the spiritual and parochial wants of the country. And it was also necessary to determine how the incomes of the dignitaries themselves might be distributed, so as to give an adequate income to each bishopric and chapter respectively. The first measure, then, adopted, was the 6 & 7 William IV., wherein it was enacted that—

> "In order to provide for the augmentation of the incomes of the smaller bishoprics, such fixed annual sums be paid to the Commissioners out of the revenues of the larger sees respectively as shall, upon due inquiry and consideration, be determined on, so as to leave as an average annual income to the Archbishop of Canterbury 15,000*l.*, to the Archbishop of York 10,000*l.*," &c.

And then it went on to state the salaries of the other dignitaries. That Act was already extended to the sees of Canterbury, Chester, Norwich, Llandaff, Salisbury, St. Asaph, Ripon, Ely, Worcester, Lincoln, York, and Peterborough. All these had come under the provisions of the various Acts and Orders in Council for the purpose of limiting the incomes of bishops. He would now state to the House what was the plan which was originally adopted. At first, inquiry was made into the probable annual amount of the revenues of the various bodies; and when that amount was ascertained, then it was settled what the incomes of the dignitaries in future should be; and that being settled, a fixed surplus remained as a charge upon the see for the future. That plan was adopted in order to give the bishops some interest in the management of their property, and in order that they might have inducements to look to its being administered to the best possible advantage. However, the effect was anything but what was expected; for the property was found to be of such a very improvable nature, that the incomes of the bishops, instead of remaining at the amounts originally appointed, were found very largely to exceed them. In exemplification he might cite the case of a bishopric in the north of the country which was known to all. The income of the see was estimated at 20,000*l.* a year—while the income agreed to be secured to the see was only 8,000*l.* a year; therefore the fixed charge to be handed over was placed at 12,000*l.* a year. Well that charge was paid, and paid punctually; but still the income of the see was found to average from 12,000*l.* to 15,000*l.* a year. These matters, as was well known, were brought before Parliament, and no one would regret more than he did if they were brought forward in any hostile or inimical spirit; but at the same time the facts were so patent and palpable, that it was no longer possible to blind the eyes of the public as to the necessity of introducing a change in the law. That change was effected by the 13 & 14 Vic., which limited the incomes of bishops, irrespective of any surplus which might accrue to them; and these incomes, thus fixed, were fixed and assigned as the proper incomes of the respective sees. He now wished to call attention to the mode in which the Order in Council then issued worked. The plan at present in action was that which was embodied in the Order of Council of the 25th day of August, 1851, and it made this regulation:—That every half-year a return should be made, before the 25th day of March or the 29th day of September, to be delivered in such form as from time to time should be directed, containing a correct account, duly certified by the bishop, of all the monies realised by him in respect of the revenue of the see during the past half-year; and in case it should appear, after allowing for all reasonable deductions, that there was a surplus, that it should be paid over into the common fund of the Ecclesiastical Commissioners. But if, on the other hand, the half-yearly statement showed that the income of the bishop fell below that fixed by Parliament, the Commissioners were to make up the deficiency. And a further provision of that Order of Council was of a most remarkable description and character, because it placed the bishops in a position in which he would never have placed them in any Bill he might have introduced; and it said, in all cases where the amount of the fine on renewal of leases should exceed 100*l.*, that the calculation should be submitted to the Commissioners for their approval, who would examine the principle upon which all such fines were to be calculated; but if the fine should exceed half the annual income of the see, it should be left to them to direct that such payments should be made to themselves." Therefore the power which at present existed in the hands of the Ecclesiastical Commissioners—the power under which the incomes of the bishops were regulated was this—that in cases where the amount of any fine exceeded half the amount of the income, the bishops were not to be entrusted with the money themselves, but they were called on to pay it over to the Ecclesiastical Commissioners, who might again have to transfer it to them in the shape of income. Such were the provisions subject to which the bishops at present were placed. And next, with regard to the canons, the first Act of Parliament relating to them was the 3 & 4 Victoria, which was commonly called the Cathedral Act. By that Act the incomes of Durham, Manchester, Westminster, and St. Paul's, were limited definitively, and in every other case it was arranged that the income of the dean should amount to 1000*l.*, and that of a canon to 500*l.* a year. In some cases these provisions had been carried into effect, and the two chapters of York and Carlisle had definite fixed incomes from the Ecclesiastical Commissioners. And the other cases to which the rule of fixed incomes was prospectively to apply were Lichfield, Manchester, Ripon, St. Paul's, and Westminster. But speaking altogether there were some ten or twelve bishoprics and eight chapters which had been already brought under the operation of the Act with regard to the limitation of incomes. He would now read the results of those measures which were to be found in the payments made to or by the Ecclesiastical Commissioners. By the last Report of the Ecclesiastical Commissioners it appeared that the payments of the bishops to the common fund were 25,499*l.*, while the payments to the bishops amounted to 38,574*l.*, the sum fixed for the bishops' incomes amounting to 152,000*l.*, so that it followed that nearly one-quarter of the amount constituting the bishops' incomes was now paid from the funds of the Ecclesiastical Commissioners. In the case of chapters, the payment of chapters to the common fund was 51,183*l.*, while, on the other hand, the payments made to chapters were not so large, reaching only to 9,364*l.* But while all that was going on relative to the fixing and regulating of incomes, he might add that a proceeding of no less importance—and quite as much affecting the interests of the Established Church—was being brought about, that was the enfranchisement of the property of the Church. The subject of the leasehold tenures was one brought under the notice and consideration of the House of Commons about thirteen or fourteen years ago. It was first mooted by Mr. Spring Rice, the then Chancellor of the Exchequer, and his idea was, that an improvement in the value of the Church property might be discovered if the mode of leasing the property was inquired into; and that these additional resources might be made available for the purposes of church rates. There was no churchman, however, who would not agree with him (the Marquess of Blandford) that the wisdom of the House was abundantly and amply shown in the rejection of that proposal. However, it led to an inquiry of a very valuable nature, for a Committee was appointed to inquire into the mode of leasing property, and it sat during 1838 and 1839, and conducted a very long and interesting inquiry. The inquiry before the Committee showed what was the latent value of the Church's property—the unhappy system of leasing, introduced by the imprudence of the dignitaries at the time of the Restoration, and how it had gone on up to the present time—the abuses which were practised under it—the mode in which it affected the dignitaries of the Church—and the small amount of revenue which was derived from the immense property forming the income of the Establishment. All these points were fully brought to light, and the recommendations of the Committee were framed in a spirit of wisdom and fairness. They recommended that a process of enfranchisement should take place—that power should be given to dispose of the reversionary interests of the Church to its lessees—and that steps should be taken as soon as possible to put a termination to that injurious system of tenure, which so long had pressed upon the vitals and energy of the Church. Well, nothing more took place for a considerable time, until the hon. Member for Stroud (Mr. Horsman) again brought the subject of the spiritual destitution of the country in connection with the revenue of the Church before the notice of the House, and to move for some returns connected with the value of property, which were not granted, though, at the same time, a Commission was appointed by the Government, called the Episcopal and Capitular Revenue Commission, which again entered fully into the nature of leasehold tenures, and the Church's mode of leasing property. The result of that Commission was, the preparation of an Act for the purpose of settling the question. The Bill, however, upon being introduced in the House of Lords, was found to be very deficient in many points, and a Committee, therefore, of their Lordships was appointed to inquire into the subject. The Committee thereupon entered again on the inquiry in conjunction with various plans which had been proposed, and the result was the Act 14 & 15 *Vict.*, c. 104, for permitting the voluntary enfranchisement of the property of the Church. The peculiar provisions of that Act were, that the Church was permitted to receive applications from the various lessees for the enfranchisement of their leasehold property, and, with the consent of the Estates Commissioners, such bargains were to be concluded; that in the reversionary interests which should pass away from the Church—with the money proceeding from these sales either other lands were to be purchased, or leasehold interests in other estates. So that the effect was to bring the property of the Church into hand at a rack-rent value, and the Act provided that—

> "No lease of any lands purchased or acquired by any ecclesiastical corporation shall be granted by such ecclesiastical corporation otherwise than from year to year, or for a term of years in possession not exceeding fourteen years, at the best annual rent that can be reasonably gotten."

Leasehold tenures were thus entirely put an end to; and the result had been that the incomes of the dignitaries of the Church had been limited; and the ecclesiastical estates had been brought under a new tenure, and a new mode of administration. And in conjunction with that the Ecclesiastical Commissioners had obtained a very large amount of interest in the property, which interest they themselves stated they held as trustees for the general benefit of the Church—and he thought the House would permit him to read from one of their Reports their statements on that subject. They said in their first Report:—

> "Notwithstanding the large amount of benefit already conferred by the distribution of their revenues, the Commissioners cannot withhold their deep regret that the limited amount of their present means must still leave untouched a considerable portion of that spiritual destitution, the removal of which was the main object of the Crown in issuing the original Commission of Inquiry, and of Parliament in confirming its recommendations. They felt, also, that these questions were deeply affected by the responsibilities which the Legislature had devolved upon them as trustees for the general benefit of the Church, and more especially of the parochial clergy."

Such were the views and feelings which the Ecclesiastical Commissioners stated they entertained with regard to the important functions that devolved upon them. Now, such being the case, he would proceed to state to the House the reasons why the management of this property should be transferred to the Estates Commissioners of the Ecclesiastical Commission. And, in the first place, he must ask the attention of the House while he compared the effect of the Order in Council to which he had alluded with respect to the bishops' incomes, with that which was provided by the Bill now before the House. Now, that Order in Council placed the bishops in this position, that they were obliged to give in a half-yearly return to the Ecclesiastical Commissioners of the whole of their income for the half year; and in some cases they might be called on to pay over the amount to the Commissioners. He proposed by this Bill that the management of the entire property should be vested in the Estates Commissioners, and that the proceeds of that property should be paid to the Commissioners. The bishops might now be called upon, as he had said, to pay those proceeds to the Estates Commissioners, but he proposed that they should do so in future in every case. He proposed that certain sources of income, however, should be excepted, such as fees, and income which the bishops received from similar sources in their official character. But it would be requisite at the same time in all cases that there should be a half-yearly return to the Commissioners of what was received from such sources of exceptional income—and that the balance of the appointed income was to be made up from the property of the see. So that really when they came to consider, there was little or no difference between the plan now proposed and the law at present existing—the departure only consisting in this, that his Bill went to enforce in all cases what the existing law enforced in some. There was, however, one important provision to which he wished to call attention. A great deal had been said of the insecurity that might possibly result from a measure of this sort if the fee of the property were transferred to the Ecclesiastical Commissioners. He provided, however, by the 4th clause of the Bill—

> "That nothing hereinbefore contained shall be construed to vest the fee of such lands and hereditaments in the Commissioners, or to give them any further interest in or power over the same, except such as may be necessary for managing and disposing the same in accordance with the provisions of this Act."

In every case, therefore, the fee was left to the ecclesiastical corporation itself, and the Commissioners were merely brought in as the responsible land agents of the various corporations, to receive the profits for them, to administer the property for them to the best possible advantage, without causing any trouble or distraction, and pay over that portion of the revenue which had been assigned to these dignitaries by Parliament. Now, if they compared that plan with the one at present in adoption, it would be found that it was far less humiliating to the bishops—that it removed them from that position of suspicion in which they at present were so often placed—and that in it might be discovered a fair solution of this difficult and important question, which had so often and so long been mooted in Parliament. The same regulations in this respect which he proposed with regard to bishops, would also be applied by the Bill to chapters. With regard to these, they, too, were to make a half-yearly return of their incomes, and in the same way, as soon as Parliament had fixed their incomes, they would receive those fixed incomes from the Commissioners; but until that period they should receive from them that sum which the Commissioners would conceive they were entitled to, and that amount might be determined upon an average of seven years, or in any other way. Now, there was another important reason why the management of this property should be transferred. He had already alluded to the position of property, with regard to its possessors—that was to say, those interested in the Church property as receiving incomes already limited. Now, the surplus income being handed over to the Commissioners, it followed that they had a very large interest in the property—an interest lodged in them for the purpose of meeting the spiritual wants of the country; and it was therefore only a matter of justice that the Commissioners should have a distinct power over that portion of the property. At present they had no such power. Certainly, the proceeds of a great number of canonries had been paid over to the Commissioners, but they had no knowledge how those proceeds were secured. They might be well or wastefully secured. The bishops, deans, and chapters, at the present time, were land-agents for the Commissioners, instead of the Commissioners being land-agents for them. It was highly important, therefore, that some settlement of the question should be arrived at, embracing either a plan like that which he proposed, or, if not,—an arrangement by which so much of the property of each see or chapter as the Commissioners possessed an interest in should be handed over to the Commissioners, that they might manage it for themselves. But if that plan were adopted in preference, he would only appeal to those Gentlemen who complained of such a scheme as he proposed, as a confiscation of property, and ask them which arrangement was in reality most likely to lead to confiscation; was it the one which he suggested, and which proposed, not that any portion of the absolute property of each see or chapter, but only the surplus proceeds, were to be brought into a common fund; or was it the plan which would cut off a definite portion of the property itself from the endowment of the see or chapter, and vest that portion in the Ecclesiastical Commissioners? Take, for example, the case of the See of Canterbury; the income of that see was estimated at about 25,000*l*. a year, while the income of the archbishop was fixed at only 15,000*l*. Therefore, if the archbishop was to have 15,000*l*. a year to manage for himself, the Commissioners would have a clear right to the management of the remaining 10,000*l*. Well, but if the second arrangement which he had just sketched out were admitted, they would be in a fair way of entering at once on a system of confiscation—for, having commenced with appropriating 10,000*l.* a year, it would be impossible to determine where they would end. For himself, he confessed he had no apprehension of such a confiscation, but he threw out these hints for the consideration of those gentlemen who thought that there was danger in his plan of the ultimate confiscation of the Church's property. But another reason for the adoption of his Bill was the necessity of proceeding with the enfranchisement. The plan of enfranchisement was adopted in order to eliminate the latent value of the property of the Church; and the effect of the plan would be to part entirely with about one-half of the fee of the property. When he came to consider the importance of pursuing this plan, consistently with safety and benefit to the great interests involved, he would wish to show a statement of the great spiritual wants of the country, and which the Church had already given evidence of its intention to supply. The spiritual wants of the country, then, might be classified under these heads:—First of all, those livings that required augmentation in public patronage; secondly, similar livings in private patronage; thirdly, livings under Sir Robert Peel's District Act—the duties of which were of the most onerous description, though they were most miserably endowed. Next, there were endowments required for other churches already in existence, of which 786 had been constituted under the various Church Building Acts, and which were for the main part dependent upon the pew-rents; and, lastly, there were some 600 new churches in different localities, each of which would require a district and endowment. The sum required for the augmentation of livings in private patronage, as stated by the Church Commissioners, was 131,446*l.* The sum required for the augmentation of livings in public patronage was 145,195*l.* For the augmentation of the late Sir Robert Peel's district churches—241 districts at 100*l.* a year each—24,100*l.* For the churches already built under the Church Building Acts, being 786 at 150*l.* a year each, 117,900*l.* Endowments for the new churches required, 137,900*l.* Total, 556,541*l.*; being the annual sum now required, on the most moderate computation, to meet the spiritual wants of the country. He would now proceed to quote the amounts received by the Ecclesiastical Commissioners, and their expenses, so far as they could be made out. The payments made by the bishops to the common fund of the Ecclesiastical Commissioners up to the latest Report was 25,497*l.* The payments made to the bishops was 38,574*l.*, leaving a balance of 13,077*l.* against the bishops. The payments made by the chapters to the common fund was 51,183*l.* The payments made to the chapters 9,364*l.*, leaving a balance of 41,819*l.* in favour of the chapters. Deducting, therefore, the balance, 13,077*l.* paid by the Commissioners to the bishops from the balance of 41,819*l.* it left a sum of 28,742*l.* as the total amount which the Commissioners had received from the various sees and suspended canonries. In addition to this there was all that property that was vested in them on account of the suspension of the prebendal stalls; and with regard to the expectancies of the Commission, he found that the total number of prebends to be suppressed was 360. The number now transferred to the Ecclesiastical Commissioners was 318; leaving forty-two to come into their hands, either by commutation or death. The canonries to be suppressed by the existing Acts were seventy-seven, those actually suppressed were fifty-eight; leaving nineteen yet to fall in. The sinecure rectories to be suppressed were forty; of these sixteen had been already suppressed, and twenty-four remained yet to fall in. The House would therefore see from this statement how inadequate were the means in the hands of the Commissioners to meet the spiritual wants to which he had referred. He would now state the amount which would be obtained if the enfranchisement of ecclesiastical property should be entirely carried out; but the House must bear in mind that if this plan were adopted the whole of the property would be placed at a rackrent; and it was, he thought, a matter for consideration whether the administration of property at rack-rents was not highly inconsistent with the character and duties of spiritual persons. The annual value of episcopal leasehold property was about 547,094*l.* a year. Under the process of enfranchisement, if one-half of this amount was realised, they would have 273,547*l.* a year. The sum derived annually from other sources than leasehold property would be 132,124*l.*, making altogether the sum of 405,671*l.* The sum required for the incomes of archbishops and bishops would be 152,200*l.* a year—so that, deducting that amount, the actual surplus would be 253,471*l.* The annual value of capitular leasehold property was 820,925*l.* If one-half of that amount was realised it would give 410,462*l.* The amount derived from other sources was 120,182*l.*, making the total proceeds of capitular property 530,644*l.* He calculated the sum annually required for cathedral establishments at 219,800*l.*, leaving a surplus from capitular property of 310,844*l.*, and a total annual surplus from episcopal and capitular property of more than 550,000*l.* a year, derived from the process of enfranchisement, and under a well-devised scheme of administrative management; and these were reasons why he thought that all such property should be transferred to the management of the Ecclesiastical Commission. It appeared to him that the great spiritual wants of the country required a different mode of administration of the Church property than existed at present. With the utmost respect for the dignitaries of the Church, he would say that by the passing of such a measure as he was proposing there would be opened to them an increased sphere of usefulness, and the truths which they taught would have greater weight, and would be more generally acknowledged. He would now proceed to notice some of the objections which he had heard urged against his measure. One was that it would render the property of the Church insecure, and endanger the tenure of ecclesiastical property. He might, however, remind the House that by the 3 & 4 *Vict.* c. 113, 360 prebendal stalls and seventy-seven canonries were suppressed, and very great changes were introduced in the administration of ecclesiastical property, in order to form a common fund to be devoted by the Ecclesiastical Commissioners in such a manner as they deemed might best promote the spiritual welfare of the country. At that time great fears were expressed as to the consequences of the measure which, it was said, would uproot the foundations of the Established Church. He would, however, state to the House what had been the result of that measure, and would leave them to judge whether the Church was in a worse position, whether it was less capable of performing its high spiritual functions, or whether it was less firmly rooted in the affections of the people than at the period to which he referred. The total number of benefices augmented by the Ecclesiastical Commissioners, according to their last Report, was 850, having a population of 2,337,127, and involving an annual charge, exclusive of tithe and glebe, of 46,160*l.* The number of Sir R. Peel's parishes which had been constituted was 241; 183 of those were provided with churches. If the cost of each might be computed at 5,000*l.*, the whole amount expended upon them was nearly 1,000,000*l.* The permanent annual charge upon the funds of the Commission in respect to Sir R. Peel's districts was 34,248*l.* The total annual charge upon their funds was 98,487*l.* Now this was what the Commission effected by means of the common fund placed at their disposal. In regard to the progress of the Church itself during that period, he would quote from the census recently taken in reference to religious worship. From the year 1831 to 1851, during which period all those things to which he had referred had taken place, there were 2029 churches built, at an estimated cost from the public funds of 511,583*l*, and from private sources of 5,575,615*l.* With these facts before them, he thought that they could not well say that the Church was placed in danger by those Acts, or that it was losing its hold upon the affections and sympathies of the people. The body into whose hands he proposed to transfer the management of those estates was the Estates Commissioners who were appointed under the authority of the 13 & 14 *Vict.*, cap. 94, being an Act passed in consequence of the inquiry that had been instituted by the Ecclesiastical Commissioners. The Estates Commission appointed by Parliament consisted of three persons. One was appointed by the Archbishop of Canterbury, and the two others by the Crown. With them were conjoined two members of the Ecclesiastical Commission, and they formed a body to whom the administration of the property vested in the Commission itself was entrusted. He did not think that a body more suited to the discharge of such important functions could be found, or one more likely to fulfil them in a high or conscientious manner. From the fact of their being obliged to make an annual Report to Parliament, and of the way in which it was likely to be minutely examined, he believed it was impossible to suppose that any mal-administration of the property could take place. Again, he knew it was objected to his proposition that by it the dignitaries of the Church would be made stipendiaries. He thought that he had confuted that statement by showing that they were as much stipendiaries under the present system as they would be if his measure were passed into a law. He had shown, in the course of the statement, that at present the bishops received 38,000*l.* a year, or nearly one-third of their entire income, from the Ecclesiastical Commissioners, and he thought it could scarcely be said that the fact of the bishops receiving the profits of their own property from the Ecclesiastical Commissioners would place them in a low or stipendiary position. He might observe, with regard to the expenses of the administration of property under the Estates Commissioners, that it appeared, from a return moved last year, that the average charges for the transfer of property, including plans, travelling and other expenses, were only 10*s.* 6*d.* per cent. He did not think, therefore, that the system he proposed could be objected to on the ground of expense. But there was another objection raised. It was said that the Bill was introduced at an inopportune moment, and, as the chapter of Exeter stated in a petition presented to the House by an hon. Member behind him, that as a Commission was at the present moment sitting to inquire into the state of chapters, this Bill should not have been introduced until that Commission had presented its Report. He, however, thought that he would have acted in a highly indecorous manner, as a member of the Commission, if he had known that they were inquiring into the management of Church property and that he had introduced a measure that would probably forestall their arrangements. But what was the fact? That Commission was instituted for the purpose of inquiring into the state and condition of cathedral bodies in regard to their constitution. It was instituted in consequence of a Bill that had been brought forward two years ago. Now, that Commission, in his mind, had nothing whatever to do with the management of property. The management of this kind of property was not necessarily affected by that Commission. The Commission might recommend that a dean and canon should have so much a year, and that there should be certain duties attached to the office. Their recommendations might involve a larger or smaller amount of expenditure; but that expenditure would not be touched by this Bill; and he was willing to guard against the contingency of any surplus being forestalled until the question was fully considered by the Commission. This subject had been already fully discussed: the question of the management of property had been brought before the Episcopal and Capitular Revenues Commission, and it was fully discussed before it, as well as before a Committee of the House of Lords; and under such circumstances he thought it would be most unwise to defer this Bill to any distant day. Now, as to some further provisions of this measure, the Bill preserved the fee of the property in the hands of various corporations. It required that a separate account should be kept of all the properties, and that the surplus, after paying the incomes, should be handed over to the common fund. Clause 29 contained an important provision. The Act of Enfranchisement was passed only for three years, and it would expire in the present Session of Parliament. One of the recommendations of the Ecclesiastical Commissioners was, that that Act should be renewed. The effect, then, of the 29th clause was to renew that Act as it stood, with one exception—namely, that all applications for enfranchisement might be made to the Ecclesiastical Commissioners directly, without the intervention of the ecclesiastical corporation, which the Act about to expire required. There was another provision of the Bill relating to tithes. It enacted that before the tithes should form any part of the income of the ecclesiastical corporation, a certain portion should be given towards forming an adequate endowment in the places where the tithes arose. These were the principal provisions of the Bill, which he was sure might be adopted without the slightest danger to any parties, and with manifest advantage to the Established Church; by means of which Church this country might be supreme amongst the nations of the earth, not as the conqueror, but as the instructor of mankind.

Motion made, and Question proposed—"That the Bill be now read a Second Time."

SIR WILLIAM CLAY said, that it now became his duty to state the reasons which had induced him to bring forward the Amendment of which he had given notice. He proposed this Amendment, not because he did not respect the motives of the noble Lord, which were entitled to all commendation, still less from any hostility to the main object he had in view, with which he cordially agreed, but simply because he regarded the provisions of the measure as not sufficiently effective for the accomplishment of that object, nor sufficiently comprehensive to embrace all the benefits which the adequate realisation of the principle involved might bestow upon the Church and upon the community. There could be no doubt that clerical persons were but indifferent administrators of the property of the Church, and that the administration of such property at all did not harmonise well with the spiritual functions of these reverend personages; and it was, further, quite clear that recent disclosures, to which he need not more particularly advert, had produced upon the mind of the public at large the conviction that this administration should be vested in other hands than those in which it now rested. The question, however, was, whether the transfer of administration proposed by the noble Lord was of the kind which would best answer the purpose for which it was designed? The Bill of the noble Lord proposed to place the whole of the capitular and episcopal estates of the Church in the hands of the Church Estate Commissioners. At present it was only with a comparatively small part of those estates that the Ecclesiastical Commissioners or the Estates Commissioners had to deal. But the noble Lord proposed to vest the whole management of these estates in the hands of his Commissioners. The noble Lord stated that the whole amount of episcopal property was at present 540,000*l.*, and of the capitular property nearly 900,000*l.*, making altogether about 1,500,000*l.*, which this Bill proposed to deal with. Even after making due allowance for the deductions referred to by the noble Lord, there would remain from 900,000*l.* to 1,000,000*l.*, which it was proposed to place under the management of the Commissioners contemplated by the Bill. The noble Lord estimated the deductions for the maintenance of the episcopal bench and the chapters at 350,000*l.*, which would leave between 500,000*l.* and 600,000*l.* applicable to general ecclesiastical or religious purposes. The noble Lord proposed to confide the management of this property to the Church Estate Commissioners, who were, in fact, a part and parcel of the Ecclesiastical Commissioners. These Commissioners were now acting under no less than sixty Acts of Parliament, and portions of Acts, beginning with the reign of Henry VII. One portion of their power was to be found in the Act for repealing the duty on public and stage carriages, and another portion of their power was to be found in the Municipal Corporations Reform Act. Such a measure as that brought in by the noble Lord should be preceded or accompanied by a measure for consolidating the laws under which the Commissioners acted, and defining their powers and the objects they were to carry out. That would be the more necessary, considering the vast accession of power and influence which it was proposed to confer on them by this Bill. But then, again, there were other Commissioners with powers very similar to those possessed by the Ecclesiastical Commissioners, such as the Church Building Commissioners and the Governors of Queen Anne's Bounty. Not only were the objects contemplated by these three Commissions identical in some cases, and similar in all, but he found that some Acts of Parliament referred to the whole three, such as the 6 & 7 *Vict.* c. 37. On what public principle these various Commissions—the Church Estate Commission, the Ecclesiastical Commission, the Queen Anne's Bounty Commission, the Church Building Commission—all with objects nearly, and in many features identically, the same—should be kept up as distinct establishments, instead of being amalgamated into one homogeneous whole, not playing at cross purposes, but with unity of action as well as of objects, it was perfectly impossible to understand. It seemed to him, therefore, that it would be better to take an enlarged and comprehensive view of the whole subject, and to bring in a Bill for consolidating these different Acts of Parliament, and that could be properly done only on the authority and responsibility of the Government. Such were his objections to one of the objects of the Bill, or rather, perhaps, he ought to say, to the machinery by which that object was to be carried out. To another object which the noble Lord had clearly in view, he entertained yet stronger objections. By the 8th clause, the noble Lord proposed that any surplus which might accrue under his Bill was to be added to the surplus fund at the disposal of the Ecclesiastical Commissioners. Now, by the 57th clause of the Act relating to the Ecclesiastical Commissioners, the surplus in their hands was to be applied to the cure of souls in parishes where such assistance might be required, in such manner as to them might seem most conducive to the welfare and efficiency of the Established Church. Being himself a sincere and earnest member of the Established Church, he confessed he should like to have heard more said about the interests of religion, and less of the interests of the Church, for he could conceive cases in which the surplus might be applied to forward the interests of the Church, but not to forward the interests of religion. For instance, in parishes—and there were such, and not a few—where there were few persons of the communion of the Established Church, but where the interests of religion might be amply provided for, it might be for the interest of the Church to appoint a clergyman there with a large income, but it did not follow that it would be for the interest of religion. The noble Lord had spoken of 786 new ecclesiastical districts, in which the church and the clergyman were supported by the voluntary subscriptions of the congregation, and the noble Lord might have added that in the course of the last twenty years 2,000 such districts had arisen, in which the voluntary principle had been resorted to by Church of England congregations with similar effect. He (Sir W. Clay) had, however, no objection to the surplus revenues of the Church being applied to increase the stipends of ill-remunerated ministers of his communion, but there was a claim which must be satisfied before such application was just. The noble Lord entirely omitted to avail himself of the opportunity which the creation of this surplus would present for the abolition of church rates, an abolition which would, in a large degree, tend to the advantage of the church. The noble Lord seemed to think that this surplus might be applied to uses more important to religion than the abolition of church rates. He differed much from the noble Lord in that conclusion. He knew of no application of them which would conduce more to the growth of that spirit of peace, which was the very essence of the religion we professed. The noble Lord said that Parliament had refused to sanction such an application of church funds. When such an application of the church funds was proposed in 1837 under the Administration of Lord Melbourne, the House sanctioned the proposition, though by a small majority, it was true. But the noble Lord was in error in this particular. He was in hopes that the Government would bring in a measure for the abolition of church rates, and he did not wish that a Bill which might interfere with one of the resources by which that object could be accomplished should be carried. He (Sir W. Clay) had found it impossible to modify the Bill of the noble Marquess so as to meet the view he entertained. He had therefore no alternative left but to move that the Bill be read a second time that day six months.

Mr. HADFIELD said, that whilst he was as anxious as any one in that House for the propagation of the Gospel, he could not support the second reading of the Bill. The noble Lord the Member for Tiverton (Viscount Palmerston) promised to bring in a Bill for the abolition of church rates after the Easter holidays. The only plea for church rates was that they were necessary for the repairs of churches, but when the noble Lord opposite admitted that there was as vast a sum as 500,000*l.* which might be appropriated to that object, the country ought to be relieved from a fertile source of heartburning amongst different sects of Christians, which was not only an injury to the Church, but also to religion itself. Thirty years ago Dr. Lushington said there was no law to compel the parish to pay church rates, and the House of Lords had recently decided that they could not be imposed against the will of the majority. It would then be a cause of perpetual dissension and strife between the members of the Church and those of other denominations to know who had the majority. It was most objectionable and unjust to make those who did not belong to the Church contribute to the repair of the Church. Why did not the Church trust to the voluntary principle? In the last twenty years there were 2,029 churches built in this country, at a cost of 6,000,000*l.*, of which only 500,000*l.* was contributed from the funds of the State. It would be best, therefore, for the Church to rely upon the voluntary contributions of its own members. Why should the people of Wales, where the majority were nonconformists, have their consciences violated by being forced to contribute to the funds of a Church of which they were not members? He thought the objections urged against the Bill by the hon. Member (Sir W. Clay) were unanswerable, and he should cordially second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. MOWBRAY ventured to submit to the House the considerations which influenced him in giving his vote on this occasion. He felt the more constrained to do so because he had most reluctantly been driven to a conclusion which would lead him to accord his support to the Amendment, though he should do so for reasons which were totally different from and opposed to the opinions which had been expressed by the hon. Mover and Seconder of the Amendment. In that portion of the speech of the hon. Baronet (Sir W. Clay), where he paid a just tribute of admiration to the motives which actuated the noble Lord in bringing forward the measure, he cordially and heartily concurred. He also entirely sympathised with the noble Lord in the object he proposed to effect. The only question in his mind was, whether the mode by which the noble Lord proposed to accomplish that object was the fitting and proper one. Let him remind the House that they were not now considering the question of church rates, or any question that affected Dissenters. They were not called upon to consider whether, if, by a better administration of church property, a surplus could be obtained, that surplus should go to some vague purpose which the hon. Baronet deemed to be for the general interest of religion, or whether that surplus, being a surplus arising from property that belonged to the Church of England, could, in point of law, be treated only as the property of the Church. He approached the question from an altogether different point of view, and with a desire to arrive at that conclusion which would best promote the interests of the Church in respect of this property. Upon considering the provisions in the measure of the noble Lord, he thought the objection to which the noble Lord had more than once alluded in the course of his speech—the objection arising from the insecurity which would attach to this kind of property if it were dealt with in the mode proposed—was an objection of very great force. He (Mr. Mowbray) regarded the measure as unwise, inasmuch as he feared to place in peril the property which belonged to the Church. What was it the measure proposed to do? Whereas at the present moment the Church Estates Commissioners had a limited interest in, and a superintending control over, certain property belonging to the Church of England, the property and the management of it still remaining in the legal owners of episcopal and capitular estates—the bishops and deans and chapters—this Bill proposed to hand over to the Church Estates Commissioners, not, indeed, the fee of the property, but the entire control and management of it. These Commissioners were not to have the fee, it was true, but all the profits, emoluments, and revenues were to be paid to them, the lands were to be under their sole management and control, their receipts were to be good discharges to purchasers, their seal was to render valid all conveyances, and they were, in fact, to have the same power, authority, and discretion, in dealing with the property, as that which attached to its legal owners; and this being so, he thought that, however valuable it might be as a mere matter of legal argument to be discussed in a conveyancer's chamber, to say that they had left the legal estate in the ecclesiastical corporations, for all practical purposes those corporations would be divested of the legal estate, which would be placed in the hands of one central body—the Church Estates Commissioners, who were appointed by and responsible to Parliament. How far, then, he asked, was that likely to conduce to the greater security of the property of the Church? If once they got the property of the Church placed in the hands of a Board of Commissioners appointed by and responsible to Parliament, even though it were cloaked with this reservation respecting the fee, as proposed by the Bill, they would find that in the course of a very few Sessions hon. Members entertaining sentiments corresponding to those of the hon. Member for Sheffield (Mr. Hadfield), who, he could not forget, had stated on a previous occasion that he had strong objections to hearing the Church of England termed the national Church, would have no objection to consider the property of the Church as national property, and deal with it as such. Even in the present position of that property the hon. Baronet (Sir W. Clay) seemed to think he could raise the question, and his argument on that head would be much stronger as against the Church when its property had been handed over to the Church Estates Commissioners. When he recollected that the condition of the clergy reserves in Canada had been similar to that to which the noble Lord proposed to reduce church property in England, and that they had been placed at the mercy of a vote in Parliament, he could not help feeling that there was a much greater insecurity about property so placed than there was with respect to property situated in various parts of the country, where various interests were enlisted and various sympathies drawn forth for its maintenance, and where, when attacks were made upon that property, more persons would be ready to step forth in its defence. In moving the second reading of the Bill, the noble Lord alluded to the expenses connected with the management of the Ecclesiastical Commission, and quoted the returns which were laid upon the table of the House during last Session, in order to show that the expenses amounted to 10*s.* 6*d.*, and in some cases to 8*s.* 10*d.* per cent. Now, he did not say how far that mode of taking the expenses might be a fair one or not, but this he might say—that whereas, on the one hand, it was capable of demonstration, that whether the property had been managed so as to produce the greatest amount of income to the Church or not, it had, nevertheless, been managed by those who had had local knowledge of it, and in a manner which, upon the whole, had not been an expensive one; on the other hand, it would be found that a central administration of the property was necessarily, in itself, an expensive mode of administration. That he should expect to be the case *à priori.* If a Board sitting in London had to deal with property in Northumberland or Durham, it was impossible that its management could be so economical or efficient as that of a body sitting in the locality itself. Such a machinery must clearly be more expensive, seeing that it would be necessary to employ a double staff of officers for conducting the administration of the property. He was confirmed in this impression by reference to the return of the money paid to surveyors and solicitors by the Ecclesiastical Commissioners for 1852, a period during which the abuses to which allusion had been made in that Commission had ceased to exist. The expenses of the Ecclesiastical Commissioners during the year 1852, under the reformed administration, amounted for surveyors (for a year and a half) to 5,622*l.* 1*s.* 2*d.*; for solicitors (a year and three months), 3,653*l.* 12*s.* 8*d.*; for architects, 456*l.* 6*s.* 11*d.*: total, 9,732*l.* 0*s.* 9*d.* In addition to this there was also for commission on receipt of rents and drainage the sum of 1,347*l.* 7*s.* 3*d.*, making in the whole 11,079*l.* 8*s.* for this portion of its expenses of management. Then again, there was another point on which this Bill would, as he conceived, introduce a new and objectionable principle. Parliament had hitherto, in dealing with ecclesiastical property, acted upon the principle of not touching vested rights. What did he find with respect to the present Bill? With regard to bishops it proposed to retain the same principle which Parliament had always applied to vested interests, and was not to apply in the case of bishops appointed before the year 1848, until after the first avoidance of the see. But how would it operate in the case of deans and chapters? Why, it was to apply from the commencement of the Act. Thus, deans and chapters now in possession were to have their vested rights taken from them at once, whilst those of the bishops would be preserved intact. This, he contended, was to establish a most objectionable principle. Further, he believed the measure to be inexpedient at the present moment, not only because we had a Commission sitting which would render it inopportune that legislation should take place on the subject until they had reported, but also because he found that one part of the object which the noble Lord sought to obtain, namely, the better management of church property by the enfranchisement of church lands, and by sales and exchanges which might be for the mutual good of lessors and lessees, because he found that this process was already going on (not perhaps very fast, but still to the satisfaction of those who were interested in this matter) under the operation of the Act of 14 & 15 *Vict.* c. 104, relative to the Church Estate Commissioners. The third Report of these Commissioners had just been presented to the House, and in it they stated:—

> "We have approved the terms agreed upon in 289 cases for the sale of reversions, and in twenty cases for the purchase of leasehold interests, and in twenty-eight cases we have declined to approve the terms proposed; in twenty of these last-mentioned cases, however, the original proposals were subsequently modified, so as to meet with our sanction, and they are accordingly included in the number of those above stated to have been approved. The value in fee of these 309 estates so agreed to be enfranchised exceeds 1,400,000*l.* We have ascertained that during the same period the Ecclesiastical Commissioners, acting on the principles which have regulated our proceedings, have made 312 agreements with lessees for enfranchising property exceeding 1,700,000*l.* in value, so that the church estates agreed to be enfranchised since the passing of the Act under which we have the honour to report are not less than 621 in number, and their value exceeds in the aggregate 3,000,000*l.* We have observed with satisfaction a growing disposition on the part of many ecclesiastical corporations to entertain proposals by their lessees to effect enfranchisements, and we believe that 'the improvement of episcopal and capitular estates, without prejudice to the interests of persons holding leases granted thereof,' will continue to be effected, if Parliament should see fit to prolong the duration of the Act."

It was pretty clear from this Report that the legislation to which it pointed was not a legislation of the comprehensive character proposed by the noble Lord, but of the character of that of 1851—a renewal for a period of three years or more of the Act passed in 1851. The noble Lord had avowed his belief that the subject was ripe for legislation, and had grounded that belief upon the evidence of the Dean of Carlisle, given in 1849, and that of Mr. Meadows White, given in 1851. But it was clear that with this evidence before it in 1851, Parliament did not consider that it could do more than pass a measure limited in duration and experimental in its character. Why, then, was the same evidence to be used as an argument in favour of permanent legislation in the year 1854? Moreover, speaking of that evidence, he thought that Mr. Meadows White, as solicitor to the Ecclesiastical Commission, could not be considered altogether in the light of an impartial and disinterested witness when bearing testimony as to the best mode of administering church property. So much with respect to one object of the noble Lord—namely, that of extending the control of the Estates Commission with the view of rendering those estates and revenues most beneficial to the Established Church and promoting the spiritual welfare of the people. In the next place, the Bill proposed to secure to archbishops and bishops fixed, in lieu of fluctuating incomes. With respect to that portion of the measure the noble Lord had himself shown in the course of his speech that the system of substituting fixed for fluctuating incomes was already in operation in the case both of bishops and deans and chapters, and was increasing every day. And if that were the case, where, he asked, was the necessity for legislating upon the subject? The noble Lord had alluded to the Act of 1851, and had mentioned the cases of bishops who were now under the operation of that Act, and in the receipt of fixed, instead of fluctuating incomes. It was quite clear, therefore, that as to them no further legislation was required. But how stood the case with regard to deans and chapters? Why, the same process was going on with them also. And it was as clear in their case as in the case of the bishops, that legislation was unnecessary. Then there was another point upon which he confessed he could not entirely go along with the noble Lord, and which, he thought, furnished a strong argument against this Bill. One of the great principles laid down by the noble Lord—in which, so far as it was one which admitted of being practically carried out, he (Mr. Mowbray) heartily concurred—was that spiritual persons should be relieved as much as possible from the care and trouble of administering the revenues and managing the temporalities of the Church, and be left to attend almost exclusively to the spiritual concerns of their calling. But let him remind the noble Lord that the episcopal and capitular estates formed a small portion only of the property of the Church. And was the House prepared to deal in the same way with all the property of the Church, and with the property of the rectors and vicars in every parish in the land? If the House were so prepared, then he (Mr. Mowbray) held that it would be vesting such a power, and such an extensive control and management, in the hands of the central Board, as to make his objections apply to the central management still more strongly than they did to the Bill of the noble Lord. In considering the practical operation of the measure, it was necessary to see how far the working of the Ecclesiastical Commission had already proved beneficial to the various parishes scattered throughout the country. The Ecclesiastical Commission had, for some years, held considerable funds in their hands. How far had they employed these funds in the district from which they had accrued? The noble Lord proposed that provision should be made in the Bill for places where funds arose. He would agree that, if they were to deal with the superfluous riches of the Church, the places in which the funds arose should have the first claim on the consideration of those who administered the funds. Take the diocese with which he was himself connected, and see how far the Ecclesiastical Commissioners had employed those funds for the local benefit. He had before him a return, dated 12th April, 1853, of all sums received by the Ecclesiastical Commission since the passing of the 3 & 4 *Vict.* c. 113, arising from the suspended canonries, charged deaneries and canonries, &c., and any other source within the diocese of Durham, stating the amount so received in each year, together with the sums expended by the Commissioners since the passing of the above Act in aid of the University, the augmentation of benefices, vicarages, or perpetual curacies, or in the endowment of new parishes and districts within the said diocese. By that return, he found that in the ten years from 1841 to 1852, these receipts amounted to 90,464*l.* 6*s.* 11*d.* And what appeared to be the expenditure during that time?—

Durham University . .	£4,712	18	0
Augmentation of livings .	19,052	13	1
Endowment of new parishes and districts	7,546	17	2
Parsonage houses . . .	3,287	10	10
Accounting canon . . .	680	18	3
Making a total of .	£35,280	17	4

which the Commission paid back to the diocese, while they took from it the sum of 90,464*l.* Here, then, was the case of a loss of 55,000*l.* incurred by the diocese of Durham out of the money which it paid into the hands of the Commissioners. [Mr. Horsman: Not the Church Estates Commissioners.] The Ecclesiastical Commissioners. His argument was, not that there had been any abuse in the case; but he contended that if the funds drawn from a distant locality were to be administered by a central Board sitting in London, who could not be so cognisant of the wants of the locality as persons in its immediate neighbourhood, the probability was that, without any fault in those who had the central management of the property in their hands, the local wants would be overlooked. The question was one which had excited much interest in the diocese of Durham; and this was not all, for he found it stated, on the authority of no less a person than the Archdeacon of Durham, that, in addition to this 55,000*l.*, the Commissioners had taken from the Bishop of Durham during the same period, on a low calculation, 150,000*l.* Here was a sum, during the last ten years, of no less than 200,000*l.* taken away from the diocese. Was this 200,000*l.* taken from the diocese because it was not wanted there? What had been the state of the diocese of Durham during the last ten years? Was it such as not to require those resources? Perhaps of all the dioceses in the kingdom, that of Durham, on account of the increase of its population, was the one which peculiarly needed a judicious application of these resources. In no other county had the population increased in the same ratio as in the county of Durham. By the returns of the Census it appeared that the population in that county was, in 1801, 160,361; 1811, 177,625; 1821, 207,673; 1831, 255,910; 1841, 324,284; 1851, 390,997. Thus, in fifty years the population had augmented from 160,000 to 390,000, and in the last ten years of that period from 324,000 to 390,000. And whilst the rate of increase for all England, from 1841 to 1851, had been 12·8 per cent; for Middlesex, 19·7 per cent; and for Lancaster, 21·9 per cent; the rate for Durham was 26·9 per cent. Such was the increase of the population in ten years; yet the Ecclesiastical Commissioners had subtracted from the diocese in that period upwards of 200,000*l.*, no part of which they had paid back again. What, however, were the spiritual needs of the diocese? He would take, first, the county of Durham. With a population of 390,000, according to the late religious Census, there was church accommodation provided for only 66,319. By that same Census, they were told that, whilst 29 per cent was the average of the accommodation provided by the Church of England throughout the kingdom, here, in Durham, the church accommodation was but 16 per cent, or less than one-sixth of the whole population. Taking the county of Northumberland, the other portion of the diocese, it would be seen that the population was 303,568, and the church accommodation 52,405, or nearly the same proportion—less than one-sixth of the entire population. He asked, then, if during the last ten years so little thought and regard had been had for the diocese of Durham, what prospect there was of the wants of the various localities being attended to by such a central power as that proposed to be constituted by the noble Lord's Bill? He wished to guard himself against being supposed to coincide with the reasons adduced by the hon. Member for the Tower Hamlets (Sir W. Clay) in support of his Amendment. He thought the operation of this general Board would be injurious to the Church, and not likely to conduce to the benefit of particular localities. The Dean and Chapter of Durham had sent up no petition on the subject, and therefore in the statement which he had felt it his duty to make to the House he must be understood to be giving only his own individual opinion. Parliament might be soon called upon to deal with this subject, but he could not think the principle of the noble Lord's measure was one which, if adopted, would be likely to lead to the security of the property of the Church or to improvement in the application of its resources. How far a general scheme might be decided upon of a board in each diocese, consisting of lay members of the diocese, who, bringing a practical knowledge of the state of things in their own localities to bear upon the administration of this property, might relieve spiritual persons from temporal cares and anxieties, and lighten the labours of chapters—how far such a scheme might be thought desirable he did not know; but he thought the principle upon which any such arrangements should be made was the constitution of local boards, who should administer with a local knowledge the funds arising from the Church, and apply them to the various localities in which they arose. Heartily concurring in the objects which the noble Lord had in view—sympathising with him in the motives which had prompted him to introduce this measure—he did, nevertheless, feel that, though it was very desirable to obtain a more efficient administration of the resources of the Church, the mode proposed by the noble Lord was not one which in his judgment was calculated to attain that end, and he must therefore give his vote in favour of the Amendment.

MR. HUME said, he must remind the hon. Baronet (Sir W. Clay) that the question before the House was not one of church rates, and he must also remind the hon. Member who had just sat down, that the House was not now considering what should be the distribution of the revenues of the Church. The speech of the hon. Gentleman (Mr. Mowbray) might have been applicable in 1822, but it was now quite inopportune; for in the year 1837 that House had determined upon a definite course in respect to this, which, though the hon. Gentleman had spoken of it as private property belonging to individuals, the House then decided to be public property granted to the Church to be applied for a particular national object, and it was therefore the duty of that House to see that this public property was applied in a way most likely to tend to the advancement of religion throughout the nation. He entirely agreed with the noble Lord (the Marquess of Blandford) that this, like all other public property, ought to be managed in the best way possible. He wished merely to address himself to the Bill before the House, and he thought that the noble Lord was taking the best course which could be taken for the support of the Established Church by considering in what way the funds could best be taken care of, and leaving the question as to the administration of those funds to a future occasion. In his opinion, the simple object of the Bill was to make better arrangements than at present existed for the management of ecclesiastical property, and did not in any way refer to the subject of church rates. If he could have any influence with the hon. Baronet who sat behind him, he would suggest to him the propriety of his withdrawing his Amendment, as not being applicable to the present time. Durham was, at the time alluded to, considered one of the richest dioceses, and it was thought that its surplus wealth might well be applied to the wants of other districts, which were without such resources. If the hon. Gentleman (Mr. Mowbray) thought that the Commissioners had made an improper application of the funds of that diocese, he ought to introduce a Motion upon the subject. The question for the House to consider now was the Bill of the noble Lord. In the year 1837 it was admitted that the bishops and holders of cathedral estates ought not to have the management of such property, but be remunerated at a rate varying according to the productiveness of the estates; and that they ought to be paid fixed and regular salaries, in the apportioning of which care should be taken to remove the gross inequalities then existing in the amounts paid in different dioceses for the performance of similar functions. The more unjust these inequalities were left, the more insecure they rendered the Church. At present 152,000*l.* of church funds was received annually by twenty-eight men, whilst 4,000 of the working clergy had not more than 80*l.* a year, or scarcely more than the remuneration of a bishop's footman. In his opinion, property of this description should be considered as affecting the community at large, and not any particular class. It would be to the benefit of the best interests of the nation if the property of the Church were properly managed, and on that account he should give his most cordial support to the measure. The noble Lord had told the House that there might be clauses in the Bill to which objection might possibly be taken, and that those objections could be discussed in Committee; and he must say that, in his opinion, the noble Lord was entitled to very considerable praise for the acquaintance with the subject which he had displayed, and for the manner in which he had brought it forward. His intention in rising had been to thank the noble Lord for coming forward with this measure so well prepared, and so well able to give all the information which would be required on the subject, and it would not, he thought, be doing justice to the Established Church not to allow this Bill to go into Committee, where the clauses would be separately discussed.

MR. GOULBURN said, this was a question of very grave importance, and he should have been glad to discuss it in the presence of Her Majesty's Government. [The Ministerial bench was almost unoccupied.] It was his opinion that the question was one which deeply involved the social condition of the empire, and which affected the spiritual welfare of the people, and he was prepared to give great credit to the noble Lord (the Marquess of Blandford), for the motives which had prompted him to come forward on a subject of such a character. If he felt it to be his duty to differ from the principles contained in the Bill, he could assure the noble Lord that he did so, not from any depreciation of the object which he had in introducing it, but from a sincere belief upon his part—a belief strengthened by a careful examination of the measure—that the effect of the Bill would be to retard rather than to advance the cause which the noble Lord had at heart. The noble Lord had correctly detailed the progress of Church reform from the year 1835 up to the present time. The object of the reform in 1835 was to render available for the relief of spiritual destitution the surplus funds of bishops, and the sums that might be retrenched from the different chapters of the country. Parliament intended that the bishops should have certain incomes; but in order to give security for the enjoyment of those incomes, a measure was passed, which in practice failed to accomplish its object; nor was it to be wondered at that Parliament, in its endeavour to deal with a large subject, should not have succeeded at first in striking out the best mode of effecting its object. The original arrangement had since been varied, and he (Mr. Goulburn) argued now on the state of things at present existing, and he thought he could show that the Bill of the noble Lord would militate against the relief of spiritual destitution, and at the same time afford no security for the incomes, whatever they might be, which might be allowed to the bishops and the chapters; he could, he thought, further show to the House, that it could not proceed with this measure without inflicting great injustice on the lessees of Church property, whose interests had always been favourably considered by the Legislature. The object of the Bill passed in 1836 was to take the funds from the bishops and the cathedrals and place them in a common fund, the administration of which common fund was to be confided—as in justice he thought it ought to be—to a mixed body of ecclesiastics and laymen; so that those ecclesiastics, who had the greatest knowledge of the wants of the Church in different parts of the country, might have an opportunity of stating them; and, on the other hand, that the lay members should correct any attempt to apply to ecclesiastical purposes, not the best calculated to remove spiritual destitution, the funds committed to their charge. Certainly it was then argued, much as the hon. Member for Durham (Mr. Mowbray) had done that day, that the funds of each individual chapter should be applied to the relief of the spiritual destitution of the diocese in which that chapter was situated; but Parliament wisely negatived that proposition, and required that all the funds of the different chapters should be paid into the common fund, leaving it to those who administered the fund to decide what parts of the country were in the worst condition, and to apply the funds to the cases which were most urgent. No doubt, as the hon. Member for Durham stated, there were cases of urgent necessity in the diocese of Durham; but it was notorious that in Chester there were no funds at all available for relief of spiritual destitution; that in Manchester, a new bishopric, there were no funds; and Ripon was in the same situation; thus making three dioceses, to name no more, comprising the great mass of the manufacturing population of Lancashire and Yorkshire, in which the cry for spiritual instruction was most pressing; and that cry would have been left wholly unanswered till this hour if the principle suggested had been adopted by the Legislature, and a common fund had not been formed applicable for general distribution. He looked, therefore, with alarm at the proposal in this Bill, at the outset, to abolish that common fund, and to apply the property to the wants of the particular locality in which the chapter was situated. The present Bill provided that the Church Estates Commissioners should keep a separate account with each bishop and each chapter; and that the separate funds from each bishop should be applied to episcopal purposes only, and the funds of each chapter to chapter purposes. He was aware that the noble Lord meant to extend the area over which the relief should operate, so as to include some other parishes not immediately in episcopal or chapter patronage; but by his system the parishes to be first relieved would be those in which the bishop or the chapter had property, or those which were contiguous to the parishes in which they had property, without reference to their population or poverty; and could there possibly be a looser rule laid down than that? The question which the House had to decide was, whether more good would result by retaining the present system of a common fund, or by allowing the surplus funds to be distributed in districts in which the Church might possess property, or in parishes contiguous to them? The Act of 1836 gave a legal claim to consideration to those parishes out of which tithes arose, but, beyond satisfying that claim, it was, he thought, unwise to go. If he might venture to offer any advice to the House, it would be to adhere to the original principle of a common fund. This, then, was his first objection to the Bill. He now came to another point, which was, the security to be given for the payment of the income proposed to be fixed for bishops and chapters. No man, whatever might be his religious opinions, could desire to allot 4,000*l.* a year to a bishop or a chapter, and leave it to haphazard whether they should receive only 1,000*l.* of that sum. They might reduce these incomes, but there ought to be a security that the amount, whatever it was, should be regularly paid. Now this Bill proposed that the property of the Church should be divided into two parts—the one he might call the unimprovable property, and the other the improvable property. The unimprovable property was to be left in the hands of the bishop and of the chapter, who were to apply it in payment of what they were entitled to receive. It consisted of incomes derived from the funds, reserved rents, permanent quit-rents, and was property that was likely to remain always the same. The other part of the property was to be placed in the hands of the Church Estates Commissioners. Now, the noble Lord was in error in supposing that the Church Estates Commissioners comprised any portion of ecclesiastical authority. They were three laymen, two of whom were appointed by the Minister of the day, and held office during pleasure, and the third was appointed by the Archbishop of Canterbury. These Commissioners were entrusted by the Bill with the whole charge, not only of managing, but of selling the property. It was notorious that the unimprovable property was comparatively small in amount. It differed undoubtedly in different dioceses and chapters. In the case of one bishop it did not amount to more than 300*l.*; in other cases it was considerably larger; but in most cases it amounted to a small proportion of what the bishop and chapter were entitled to receive. Well, the provision of this Bill was that the Church Estates Commissioners should in each case make up the income of the bishop and chapter to its full amount out of the other funds of that particular bishop or that particular chapter. Now, it was clear that in every case the Commissioners would have a further payment to make to the bishop and chapter to make up the fixed amounts they were entitled to receive; and the first question he wished to ask was, whence was that further payment to be derived? The income at the disposal of the lay Commissioners consisted of fines on renewal of leases—sources that were extremely uncertain as to their amount, as to the time at which they might be received, and varying considerably in amount in different dioceses. If they had a common fund, possibly the extra receipts of one diocese might make up for the deficiency in others; but under a system of separate accounts for each diocese and each chapter, it was impossible but that great inequality would arise. Large deficiencies must arise in some cases, and the question was how they were to be supplied, and the annual stipends of the ecclesiastical authorities paid? The Commissioners could not kill a man, or force on a renewal of a lease, just because they were in want of money. But the noble Lord said he would guard against this by giving a charge on the lands belonging to each particular corporation. Well, what were those lands? They were leased to individuals for years or lives, and the only portion that would be available would be the reserved rents. The noble Lord said that the bishop, if not paid, should have a right of re-entry on those lands; but what would be the value of a right of re-entry on lands let for leases of lives to a bishop whose annual income was deficient? It appeared to him (Mr. Goulburn) that this provision in the Bill was based on the erroneous idea that the annual income of each diocese was certain and regular. He said, then, that so far the Bill would diminish the security for the payment of the incomes of bishops and chapters, inasmuch as it did not provide funds to pay the incomes where the unimprovable property was deficient in amount. The Bill further took away all hope of making the payments which it itself prescribed, for it declared that no leases whatever for tithes should be renewed. Now fines on renewal of tithe leases constituted two-fifths of the income of the Church. Take away this source of income, and the payment of the fixed incomes from year to year became impracticable. But how did the Bill affect the interest of the lessee, which was also an important consideration? The lay Commission had ample power already to manage the property of the Church. By this Bill they were to have the power of absolutely, without any consent on the part of the lessor, of dealing with the lessee for the sale of the property. By the 29th clause of the Bill, the lessor, being either the bishop or the chapter, was not to have any voice whatever in the matter of the sale, and this might appear favourable to the lessee. But he had shown that there would be no adequate means of making up the deficiencies in the incomes of the bishops and chapters; and what was the resource of the Commission? They could have no other resource but that proposed in the Bill of the noble Lord, namely, the transfer from one diocese with an abundance of property to one with less property, of a portion of what belonged to the superabundant diocese; and that once done, the Bill gave the Commissioners power to sell that property by auction or otherwise, without reference to the wishes or interest of those who might be in possession of the lease of the property. These, then, were his principal objections to the Bill of the noble Lord. He was not in the least opposed to making the property of the Church available for the welfare of the Church, and to the relief of spiritual destitution; but he opposed this Bill because, although not so intended, it would have directly the contrary effect. He believed that if it passed into law, there would not be the means which existed at present for the alleviation of spiritual destitution; that there would not be the same security as at present for the payment of the incomes assigned to the bishops and chapters; and that it would place the lessees of church property in a very difficult position. The noble Lord said that he would promote the immediate enfranchisement of church property by his measure. He stated that there was an income of 500,000*l.* a year from property under lease from bishops, and 800,000*l.* more from property under lease from chapters, so that here was an income of 1,300,000*l.*, from the enfranchisement of which it was said that greater profit might be derived to the Church itself, and reasonable compensation afforded to the lessees. Now, the capital value of this property could not be taken at less than 40,000,000*l.*; and he would ask whether the tenure of such an amount of property as that could be suddenly and at once changed without producing a revolution in all sales of property in the kingdom? The object in view, he would candidly admit, was a desirable one; but they could not attain it safely or wisely unless they did so gradually, and as the machinery now in operation, with the consent of the parties interested, had, in the course of two years and a half from the first suggestion of the arrangement, brought property into a state of enfranchisement to the amount of 3,000,000*l.*, he hoped that the House would persevere in the course it had already adopted, which at once had given much satisfaction, and been so eminently successful. He thought, therefore, that the noble Lord would do well to postpone, at least for some years, the measure which he had proposed, and not now call upon the House to embark in a course subject to the objections which he (Mr. Goulburn) had stated, and which he believed would disappoint even the noble Lord himself. He had not entered into the question of church rates, raised by the Member for the Tower Hamlets, but had discussed the question on the ground upon which the hon. Member for Montrose (Mr. Hume) had said it ought to be discussed, and he firmly believed that it would be wiser to adhere to the present existing law than to embark in a new course of action, subject to the objections which he had felt it his duty to state to the House.

MR. HORSMAN said, that the noble Lord (the Marquess of Blandford) had so fully and so ably explained the principles and details of his measure, that it was almost needless for those who agreed with him to trespass upon the attention of the House, and were it not that the noble Lord had been followed by speakers who, it would seem, had mistaken the object, and by others whose remarks had no reference to it, he (Mr. Horsman) should not have intruded himself upon the House. The right hon. Gentleman who had last addressed the House differed in some respects from those who had gone before him, inasmuch as that, while they addressed themselves to that which was the business of the debate, the right hon. Gentleman, from the commencement to the conclusion of his speech, had not made the slightest reference to the principle of the noble Lord's measure, but, speaking with all the authority of an Ecclesiastical Commissioner, and of an experienced Member of that House, he confined his objections to two points of mere detail, which might, by the alteration of two clauses in Committee, be rendered altogether, according to the right hon. Gentleman's view, unobjectionable. He hoped, however, the noble Lord would not be deterred from pressing his measure by the opposition of the right hon. Gentleman, for the noble Lord could not but remember that upon all questions of ecclesiastical reform, in all those various Acts of improvement that had been carried during the last twenty years, there had been no more honest, or consistent, or unchanging opponent than the right hon. Gentleman the Member for the University of Cambridge. The right hon. Gentleman had explained the changes which were made in the year 1835, and the House would readily call to mind the abuses that then existed in respect to sinecures, non-residence, pluralities, and other matters, and they also would not fail to remember that none of those abuses found a more determined or unshaken champion than the right hon. Gentleman. The chief objection of the right hon. Gentleman to the present Bill applied to the 8th clause, which proposed that the surplus sums arising out of the revenues of every diocese and chapter should be expended for the benefit of those dioceses and those chapters only. Now, in 1848, when the episcopal and common funds were kept separate, he (Mr. Horsman) proposed that all the revenues of these ecclesiastical establishments should be placed in one common fund, and be applied by lay Commissioners for the benefit of the country generally, and ultimately the House adopted that view and passed a Bill by which the distinction between the episcopal fund and the common fund was done away with. Who most strenuously resisted that change? The right hon. Gentleman, who now said there ought to be a common fund, and urged the rejection of the noble Lord's measure because it proposed to make the two funds distinct. But, admitting it to be desirable to keep up the common fund, that was no argument against the principle of the Bill, because all that would be necessary was to omit the 8th clause of the Bill in Committee, and that objection would thereby be removed. The right hon. Gentleman then referred to the interests of the lessees, but that likewise was a matter of detail to be considered in Committee, and not on the second reading of the Bill. The right hon. Gentleman, however, had made no reference to the principle of the measure, which was really the only question under discussion. The question they had to consider was, whether it was not the first duty of Parliament, dealing with the Established Church, to remember that if that Church was really to be regarded as a blessing to the people, Parliament should do all they could to render the funds of the Church efficient for the purposes of its establishment, and by a proper application of them to increase its usefulness, and to raise and exalt the character of those who ministered at its altars. That was the principle upon which the noble Lord's Bill proceeded, and that was the principle the House had to consider. The right hon. Gentleman talked of the securities which should be given for the payment of the revenues of the bishops. Why, what security could they have in the clause of an Act of Parliament equal to that which was derived from the respect and affections of the people? And what better security could they have for the Establishment itself than the feeling of the people that it was efficient for its purpose? Should that time ever arrive when the Church of England, either from the malversation of its funds or from the lowering of the character of its ministers, lost the regard and affections of the people, depend upon it no mere clauses in an Act of Parliament would be sufficient to uphold and protect it. He confessed he heard with some suspicion the speech of the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay). The hon. Baronet did full justice to the principle of the noble Lord's Bill, and said he not only concurred to the full extent in the principle and object the noble Lord had in view, but thought they might be carried even further than was proposed. The hon. Baronet, however, advanced two objections against the measure of a character which, considering the hon. Baronet's experience, he (Mr. Horsman) certainly was not prepared to expect. The first was, that by the 8th clause all the surplus funds were to be applied to the purposes of the Established Church, and, as he said he was more in favour of the interests of religion than of the Established Church, he wanted some of the surplus funds derived from these chapters and sees to be distributed in such a manner as to benefit the Dissenters. Now he (Mr. Horsman) asked, if the noble Lord had put a clause into the Bill enacting that the surplus revenues of the Church should be devoted to purposes out of the Establishment, what chance would there have been that the House would have agreed to the second reading of a Bill including so novel and unheard-of a proposition? The second objection of his hon. Friend was that the noble Lord did not deal with the surplus funds of the Church for the purpose of abolishing church rates. Now he, for one, thought the noble Lord very properly omitted all reference to church rates in the measure. It had nothing to do with the question of church rates, and the noble Lord would have shown himself wholly unpractical in his efforts to make the property of the Church more effective for the objects of the Church, if he had proposed that the surplus funds should be devoted to the extinction of church rates. The hon. Member for Durham (Mr. Mowbray), who had addressed the House with so much ability, appeared to take up the case against the view he was himself endeavouring to urge. There were two material points on which that hon. Gentleman dwelt, which told against him. The hon. Gentleman spoke of the security for good management, as it would be effected by the Bill, and then he said that with regard to the diocese of Durham since 1841, very large funds had been taken out of that diocese, and very small funds had been paid in; and therefore the hon. Member drew the inference that the management of the ecclesiastical property must have been extremely bad. He (Mr. Horsman) ventured to interrupt the hon. Member at the time, by telling him that he must be speaking not of the present, but of the old Commission. But if the charge of mismanagement really applied to that old Ecclesiastical Commission, that was not the Estates Commission as it now existed, but a Commission composed of members of the episcopal bench; that was an argument in favour of the noble Lord's Bill, for it proved that a Commission of ecclesiastics were not so fitted to manage the property of the Church as a lay board. But there was another point advanced by the hon. Gentleman to which he wished to advert. When the hon. Gentleman spoke of the neglect shown to the diocese of Durham, he forgot that which all parties who had looked into the estates and property of the Church were aware of—that the case of Durham was a particularly flagrant one, and was, of all others, that which called for some such management as that which the noble Lord proposed. It was notorious that there was no diocese in the kingdom in which such waste of the Church property, such impoverishment of the estates of the Church, had occurred, as in Durham. The property of the Church in the diocese of Durham being principally mineral property, the more it was worked the more it was exhausted, and he believed the practice had been to exhaust it to the largest extent of which it was capable for the purpose of keeping up the incomes of the see and of the capitular body for the time being. To such an extent had this gone on, that he had heard of a canon of that diocese who, having made an immense income by working out and exhausting the property, was seized with a fit of compunction on his death-bed, and bequeathed 60,000*l.* to the Church of the money he had thus acquired. He said, then, that Durham was a case that would fall peculiarly under the management proposed by the noble Lord. They had the experience of past legislation for doing away with the abuses that had crept into the Church—they recollected the evils which had been predicted of that legislation, and they now knew its results—no one better than the right hon. Member for the University of Cambridge (Mr. Goulburn). And would any one say that while the temporalities of the Church had been better administered under those reforms, that the Church itself was less strong in the affections of the people? The question now was whether they should carry those reforms still further. It was notorious that there was no quarter in which the Church was so weak as in the cathedral chapters, and there was no part of the kingdom in which dissent was so strong as where those cathedral chapters existed. Should they not, then, having the experience of past changes, embrace the opportunity now offered to them, and, adopting the principle of the noble Lord's Bill, extend the reforms to those bodies, and relieve as much as possible all those who were engaged in spiritual duties from the necessity of being mixed up with the management of temporal and secular affairs? Such was the principle and such the object of the noble Lord's Bill. The question was, whether, by adopting that Bill, they were prepared to prove to the country that they were really in earnest in carrying out those improvements which were called for both by public opinion and the necessities of the case, or whether, by postponing it for a few more years (which really meant postponing it indefinitely), they would leave it to be inferred that they had no anxiety upon the subject, but were content to leave the reform of the Established Church to the mere chapter of accidents, and in the meanwhile refuse to listen to any change, moderate and gracious, and at the same time calculated to effect the improvement at which it aims, like that now proposed by the noble Lord? He trusted that the House would not be carried away by any considerations foreign to the question before it, either in reference to the question of church rates or the voluntary principle, but that, declining at once to reject the measure on the principle which characterised the speech of the right hon. Gentleman (Mr. Goulburn) of regarding the Church as a matter of private property rather than as a great public blessing, it would feel that it was acting as trustee for the Establishment in regulating the efficient management of the temporalities of the Church, and in no better way could they perform that duty than by adopting the principle of this Bill.

Mr. GOULBURN said, in reply to the charge of the hon. Gentleman, that he had uniformly opposed all Church reform, he begged merely to state that he was the Secretary of State who signed the original Commission in 1835, out of which the whole of those reforms sprung, and that during the progress of the Bill, the name of "Edward Horsman" stands next in the list to the name of "Henry Goulburn" in the divisions upon it.

Mr. LIDDELL said, that upon the consideration of a Bill of this nature, it would be most desirable that the House should receive some intimation from the Government on a subject of such importance. He regretted, consequently, the absence of the noble Lord the Member for London, but as he saw, however, the hon. and learned Gentleman the Solicitor General present, he trusted they might refer to him for some information on the subject. He must say that the absence of the Queen's Ministers might be owing to their inevitable occupation in another quarter, and in that case he did not impute blame to those right hon. Gentlemen, but it was very much to be lamented that a subject of this kind should occupy the attention of the House without the House being likely to hear upon it the opinion of any Member of the Cabinet. A Bill of this nature could not properly and fairly be left to the management of any individual Member of the House, and ought to be taken up by a Member of the Government. He begged to return his thanks to the hon. Member for the city of Durham (Mr. Mowbray) for the manner in which he had called the attention of the House to the spiritual necessities and actual condition of a county with which he (Mr. Liddell) was so closely connected. It was very well to say that out of the superfluous revenues of the Church a common fund should be created and placed at the disposal of the central board, and devoted to those quarters of the kingdom where the spiritual destitution was greatest; but when he had the honour of being a Member in that House for the county of Durham, though he did not oppose the formation of a central board according to the views that had since been acted upon, he must say he consented to the appointment with the belief that, so long as the spiritual necessities existed in that quarter of the country, it should have a prior claim to relief from its own revenues, and that they should not be doled out to that diocese in small portions, but that it should receive a more liberal treatment at the hands of the Commission than had hitherto been the case. Could it be supposed that it would be acceptable to the feelings of the people of the diocese of Durham, however it might be argued to be necessary for the public advantage, and for the spiritual necessities of the people at large, that from a diocese so situated the revenues derivable from its resources should be abstracted and devoted to the spiritual wants of the Tower Hamlets, the diocese of Manchester, and the dioceses of Ripon and Chester, especially when they were told that the population had increased in that diocese to an extent that was unequalled, he believed, in any other part of the United Kingdom, and that great masses of population had sprung up in parts of parishes where the parish church is quite beyond the reach of the inhabitants. When it was stated that the revenues of the diocese had augmented in the same proportion as its population, could it be satisfactory to the feelings of the people of that part of the country that the whole of those augmented revenues should be abstracted from the diocese and devoted to other parts of the kingdom. They might ask, were there no resources available in Manchester or Chester for their spiritual wants without coming to the diocese of Durham? Could no means be found to contribute to the spiritual wants of the Tower Hamlets without coming to the diocese of Durham? He did not mean to say that the whole revenues of the diocese of Durham should be devoted to the spiritual wants of its population, but he would say that that diocese had superior claims to its own revenues, and until that privilege was conceded to it, great dissatisfaction would exist in that diocese. There was another thing which he should be also very glad to mention, with regard to the Ecclesiastical Commission and the proceedings of that Board. He should be glad to recall the subject to the mind of the right hon. Gentleman opposite (Sir G. Grey), who had been connected with that Commission, and who, he hoped, would give them some explanation respecting it. He wished to mention the case of the gentleman who holds the incumbency of Newcastle-upon-Tyne. That was one of the most populous towns in the whole kingdom. The incumbent of that parish was called upon to contribute more of spiritual and charitable assistance than perhaps any other clergyman in the kingdom, and he was there upon a mere stipend; he was upon the pay of a mere vicarate, the great tithes of Newcastle being taken by the Dean and Chapter of Carlisle. He thought it his duty to bring this case under the notice of the House, and he hoped it would be explained by some hon. or right hon. Gentleman, who might be better acquainted with the exact legal state of the case than he was. In common with the right hon. Member for the University of Cambridge, he objected to the Bill, because it proposed to deal with that particular portion of the Church property held by lessees, without any reference to the existing interests of those lessees. He was surprised to hear the hon. Member for Montrose (Mr. Hume) observe, that the hon. Member for Durham seemed to have a regard solely to the interests of the clergy, for the whole tenor of that hon. Member's speech had reference much less to the interests of the clergy than of the great communities which had sprung up in the county of which he represented the capital, and which at present, for want of means, were deficient in respect to spiritual aid and the means of attending the services of the Church, in consequence of the abstraction of the revenues of the diocese. The hon. Gentleman the Member for Stroud (Mr. Horsman) talked of the diocese of Durham as having been one of the dioceses in which the greatest abuses had existed, and mentioned the case of some individual prebendary of the chapter of Durham, who having amassed enormous riches in his lifetime, in "a fit of compunction" on his death-bed, left 60,000*l*. of it for the purposes of the Church. The case was entirely new to him (Mr. Liddell); he had never heard of it before; but as the hon. Gentleman stated it, he was bound to believe it. [Mr. HORSMAN interposed to explain that he had not made the statement from his own knowledge.] The hon. Gentleman said he did not state it from his own knowledge, then he (Mr. Liddell) did not believe it; he had never heard it before; but if it were true, it was only a proof of the liberality of the individual who left so large a sum for the spiritual wants of the Church rather than to his own family. When reference was made to the diocese of Durham, they should recollect the bequest of Bishop Barrington, and the schools which had been established by means of it through the length and breadth of the diocese, and the great advantage which the Church had derived from the sums that had been left by that Prelate. The present Bishop, on whom attacks had been made because he was supposed to have received a much larger sum out of the proceeds of the diocese than he was entitled to do, under the arrangements that had been made between him and the Ecclesiastical Commissioners at the time he was appointed to the diocese, had also nobly contributed both to the building of churches and to almost every charitable institution in his diocese to which he was called upon to contribute; and so long as they had that example of munificence and liberality on the part of a high dignitary of the Church, could they lament that he drew a larger amount of revenue than was intended to be doled out to him by this new arrangement? So long as there were such examples of charity on the part of the high dignitaries of the Church, the wish might be allowed that they should continue to draw a liberal income from their dioceses; but it was not so much the payment of large emoluments to the high dignitaries of the Church that he desired as just and proper attention to the spiritual wants of the community at large. He would be glad if he could give his consent to the Bill that had been brought forward by his noble Friend, but he thought it was a large subject for a private Member of that House to take upon himself to present to the country. He thought it was a subject that ought to occupy, and must occupy, the attention of the Government, to see how a change may be best made, and how improvements and modifications may be effected in the regulations and proceedings of the Commission that is now in operation for such objects. In conclusion, he must say that he could not at present consent to the second reading of the Bill.

Sir GEORGE GREY said, he felt, in common with the hon. Member who had just resumed his seat, the inconvenience that arose from discussing a question of this importance in the absence of the Members of the Government. No doubt there was good ground for that absence, and they were probably attending to public duties that were pressing and important; but the inconvenience was undeniable of discussing a Bill of this kind on a Wednesday, when no Member of the Government was present. Before he answered the appeal which had been made to him by his hon. Friend (Mr. Liddell) as to the particulars of a case which he stated in reference to a part of the country with which they were both connected, he wished to say a few words on the Bill itself. If this were the third reading, and if he were asked either to adopt or to reject the Bill, he would feel compelled, for the reasons stated by the right hon. Gentleman near him (Mr. Goulburn), to vote against the Bill. The right hon. Gentleman had stated as his reasons for opposing the Bill his objections to particular clauses, but he (Sir G. Grey) felt that those objections might be dealt with in Committee, and he felt now only bound to look to the principle of the Bill. The noble Lord's Bill, as he understood it, had reference to the question of the management of episcopal and capitular property, and it proposed the transfer of the management of episcopal and capitular estates from the individual bishops in the respective sees, and from the individual members of chapters, to a board composed as Parliament might hereafter direct, who should be exclusively charged with the management of that property. Whether that board should be the Church Estates Commission or not, was a question that might be hereafter considered. The Church Estates Commission comprised the elements of a board to whom such duties might be very properly entrusted. Whether it would require any alteration in its constitution, or enlargement of its numbers, was a secondary question, but he agreed with the noble Lord (the Marquess of Blandford) that the management of Church property should rather be in the hands of such a board than in the hands in which it is at present. He could not see any objection to carry out the principle of the Bill to that extent, but there might be a question arising with regard to the security of this property that ought to receive careful consideration on the part of the House. He was not sure that he should agree with the noble Lord in thinking that the security would be sufficient by leaving the fee, as he proposed to do, in the hands of the bishop or the chapter, while he gave to another body the absolute power to sell without the consent of those persons. The hon. Member for Durham (Mr. Mowbray) he (Sir G. Grey) thought had fully agreed to the principle of the Bill. The hon. Member said it would be right that the transfer of this property should take place from the hands of individual bishops, and of the members of chapters, but that the property should be vested, not in a general central board, but in a local board in each diocese, which should be charged with its management and appropriation; that was not a difference in principle as to the transfer of the management; the difference seemed to refer exclusively to the limits within which the appropriation of the property should take place. The hon. Gentleman made that proposal because he thought the surplus revenues of the sees and of deans and chapters should be appropriated within the limits of the existing sees or the dioceses in which the deans and chapters were situate, but that was a principle to which he (Sir G. Grey) could not accede. No doubt, due regard should be had to the wants of the particular dioceses in which the property was situated; and, as one who was connected with the diocese of Durham, he should be the last to object that the large and growing population of the colliery districts should be provided out of the revenues of the diocese of Durham with spiritual instruction. But they should remember at the same time the claims of large manufacturing districts of the country where no such funds exist, and he wished to look upon the Church funds as a whole fund applicable to the spiritual wants of the entire country. He thought it would be wrong to exclude from the consideration of the Board the strong claims arising in other parts of the country to share in the surplus revenues of the Church for the relief of spiritual destitution. With regard to the appeal that had been made to him respecting the town of Newcastle, he agreed with his hon. Friend (Mr. Liddell) that the vicar of the parish was inadequately endowed, and that the demands upon him were great. The vicar who was recently appointed had distinguished himself by his conduct under most trying circumstances. That town was visited with the scourge of the cholera to an unprecedented extent, and the vicar had shown by his conduct how devoted he was to the spiritual and temporal interests of the inhabitants. His hon. Friend had, however, said that the great tithes of that parish were vested in the Dean and Chapter of Carlisle, and had asked him, as a member of the Ecclesiastical Commission, whether steps had been taken to provide a better endowment for this parish. He (Sir G. Grey) was not now an Ecclesiastical Commissioner; but he was informed, on the authority of a right hon. Gentleman near him, that the property of the Dean and Chapter of Carlisle had become vested in the Ecclesiastical Commissioners, and, as soon as leases fall in, the Ecclesiastical Commissioners will be prepared to make an augmented endowment for the vicar of Newcastle. One word with reference to the statement of the noble Lord (the Marquess of Blandford). He (Sir G. Grey) could not understand on what the noble Lord founded his assertion that by the adoption of his scheme there would be, at a much earlier period than the existing law would admit of, a large increase of revenue applicable to spiritual instruction. He could not conceive how the fund could increase more rapidly under the noble Lord's scheme than under the present system; for he had heard with great satisfaction that since the present law was passed with reference to the enfranchisement of Church property, property to the amount of 3,000,000*l.* had been already enfranchised, and that enfranchisement was going on at a rapid rate. The Act under which this enfranchisement was going on was stated to be a temporary Act, and that it would expire in the course of this year. No notice had been given of its renewal, and he hoped, even if they did not then obtain an answer on the subject, they would shortly receive an assurance from the Government that if this Bill did not pass, or in any case, they intend to provide for the continuance of the legislative power by which the enfranchisement can alone be effected. Confining himself solely to the principle of the Bill, and thinking it was desirable that the management of the property should be transferred according to the principle recommended by the noble Lord, he would vote on that ground for the second reading of the Bill.

MR. MOWBRAY said, he must beg to explain. The right hon. Baronet appeared to have misunderstood his suggestion, which was, not that the bishop and chapter of each diocese should have the sole management of the Church property, but that they should have associated with them a certain number of lay persons.

MR. HENLEY said, he would admit that the subject was one of paramount importance; but the House laboured under this inconvenience, that they were in the dark as to the views of the Government. The right hon. Baronet (Sir G. Grey) said, if the Bill was regarded as based on simple principles, namely, the better management of Church property, there could be no difficulty in dealing with it. But he confessed he could not view it exactly in that light. The principle adverted to by the right hon. Baronet was contained in the first seven or eight clauses of the Bill. It was a very simple proposition that, instead of its being desirable that spiritual persons should have the sole management of Church property, others should be associated with them, and constitute a central board. Very little, however, had been said upon that subject, and before the House came to a decision upon it they ought to see by what means the property would be managed when it was taken out of the hands of spiritual persons. He could not agree with the proposition that Church property was public property. There were a great many opinions on that subject. The Church Estates Commissioners had established that it might be trust property, but that the public assumed the right of declaring the uses of the trust. Now, he did not agree with the subtle distinction that was attempted to be drawn between corporate and private property. The question was brought before the House; but the noble Lord who brought it forward did not indicate or give any reasons for altering the custody of the property for the purpose of making the most of it, by showing that it was badly managed. Taking the whole of the noble Lord's speech, the real purport of the Bill would appear to be different from what was stated. The Bill, however, would no doubt enable the noble Lord to carry out his real object.

As he understood the noble Lord, who went into figures to prove his case, he expected to obtain a large sum by his Bill to be devoted to the purpose of Church extension. The Bill, however, was not very clear; but it appeared to him the noble Lord endeavoured to effect his object by a large sale or alienation of Church property. Now, if the noble Lord intended to do this, he, for one, unless he had some better information on the matter, could not give his assent to that principle of the Bill. The noble Lord assumed there would be a surplus available for his purposes. Now, he could not assent to any scheme which would alienate at least half the Church property in fee, because he very much doubted that such a course would have the effect of increasing the usefulness of the Church. He might possibly have misunderstood the views of the noble Lord.

THE MARQUESS OF BLANDFORD said, he did not propose any new plan of sale for Church property. The sales which took place now, took place under the law, and by the extension of the law he proposed to enfranchise a further portion of Church property.

MR. HENLEY said, that enfranchisement might mean almost anything when applied in the large sense in the Bill. It might mean, in fact, sales of Church property to a large extent. The power of sale or enfranchisement now exercised was restricted by the consent of the owners and lessees of property. But the noble Lord did not make it requisite in his Bill to have the consent of the owners; he must, therefore, contemplate a more extensive sale than was supposed. That was the great objection to a Bill which intended to remove the management of property from the hands of the present holders into lay hands. He was not prepared at that moment to give an opinion on the Bill in its present shape; but as the Bill involved a question both large and objectionable, were he to vote for one part of the Bill, he should not feel disposed to vote for the other. He had heard something about an episcopal fund and a common fund. But as the nation had claimed the right of laying hold of Church property for the last twenty years, he would say that the only way to make such a practice beneficial was to put the surplus proceeds into one fund, to be applied where the need was greatest. He never was able to understand that subtle distinction by which one bishop was to be robbed, in order to give the proceeds to another bishop. But his hon. Friend thinks the robbery would be less if given to the diocese; but if their minds were given to robbery, and they would deal with Church property their own way, then the most good would be done by putting the surplus into a common fund, and administering it according to those rules applicable to the administration of Church property. With reference to that subject the Bill appeared to be supplied with a most complex machinery, the necessity for the introduction of which he was unable to understand; and seeing these things in the Bill he did not like to give his assent to the second reading, because he feared that if he did so he should be giving assent to what was more mischievous than good. He should like to have a clear idea of the machinery by which the purposes of the Bill were to be carried out. He should like to know clearly how the Church property was to be dealt with, and that which was to be assigned to the Church and that to be assigned to the Board. It was time enough when that information was given to assent to the principle of the Bill. But when he saw the avowed principle of the Bill mixed up with many objectionable things, even though he might approve of the principle of the Bill, he must object to it in its present shape. He hoped the House would not be forced into a division upon the question now. The House laboured under a great disadvantage at present, for it was quite impossible to expect that a subject of such magnitude could be carried through that House by any private means. The House was indebted to the noble Lord for bringing the subject under discussion. It was a most important subject, and no one had more sympathy generally with the noble Lord's views as to placing the Church of England in a higher position of extended usefulness than himself. It was most important for the country to have the question fully and beneficially discussed, and as that could not be done at the present moment he must vote against the second reading if the Motion was pressed.

SIR JOHN YOUNG said, it was stated by the noble Lord the Member for the City of London, who had been there in the early part of the day, that he was obliged to go away to attend a meeting of the Council. The other Members of the Cabinet were also there, and did not mean by their absence to underrate the gravity or importance of the subject before the House;

but it was obvious that at this particular moment there were subjects of very great moment to be decided upon. He did not understand the noble Lord to dissent from the principle of the Bill, but he considered that it was inconvenient to discuss the subject to which the Bill referred when the matters contained in it were under the consideration of a Committee appointed to consider them, and who had not as yet made their Report upon them.

MR. INGHAM said, he considered the present Act of Parliament to be a most valuable measure; but it would expire in August next, and the question was, whether that Act would be renewed? Until that was known it might be premature to press the present Bill. He hoped, however, if it should be carried, that the interests of the lessees would be protected, and, if the Bill should go into Committee, he should feel it his duty to resist any portion of it which would effect a sale that should operate upon and override the interests of the present lessees.

MR. WIGRAM agreed that the second reading of the Bill should not be persisted in; the subject was not ripe for discussion. Some doubt had been expressed whether the subject of this Bill was within the scope of the Commission to inquire into the condition of the episcopal and capitular estates in England. His own opinion was that the Bill was, undoubtedly, within the scope of that Commission, and he knew that the same opinion was entertained by a large number of the Commissioners. He had been told that, immediately after Easter, the Commissioners contemplated publishing their first Report, which would relate to episcopal and capitular estates. They would then proceed to consider the materials which were before them, out of which they would frame a second Report, stating what were the measures which might be recommended to be adopted. The present question had been before Parliament for two or three Sessions, and, important as it undoubtedly was, it was not one which pressed for an immediate solution. It was a subject which would not suffer if it stood over for one Session more. He would, therefore, suggest to the noble Lord to allow the matter to stand over for one more Session, or, at all events, to postpone an immediate decision. The House ought not to be asked, concerning one of the most important branches of property held in this country, to come to a decision, without knowing what were the views of Her Majesty's Government upon the subject. He believed the Government would wait to see what scheme the Commissioners would suggest, and then decide as to whether they would legislate upon the subject. He could not, however, in any case, agree to the main proposal of the Bill, which was to transfer to a London board the whole management of the episcopal and capitular estates. He was persuaded great evils would arise from attempting to throw such duties upon that board. He viewed, also, with the greatest objection the attempt made by the Bill to sever the chapter estates from the diocese. A much better scheme might be provided, which would keep the estates connected with the diocese, exercising a beneficial influence over all the district around. He had not an insuperable objection to the Estates Commissioners exercising a general supervision—but supervision was one thing, the management of estates was another. Give the Commissioners supervision if you will—give them a controlling power such as they might be able to exercise as a check upon others; but do not give them an administrative power over the estates. If you do, instead of having a well-supervised administration, you will have Motions constantly brought before the House of Commons of grievances and complaints against the managing board. There was another feature of the Bill which he very much objected to, and that was, proposing to enact by Act of Parliament that a bishop should for ever have a fixed income. They were legislating for all time, or, at least, for as long as there should be a Church in this country. It was one thing to give a bishop an income varying in amount according to the price of corn, and another to give him a fixed nominal income, which, by the variation in value of the precious metals, might in time fall to a sum quite insufficient for the purpose for which it was paid to him. He had heard it alleged that the bishops would prefer having a fixed income, but he could not accept that opinion upon the subject. The House was legislating upon this subject, not with regard to the immediate interests of the present holders of sees, but with a view to the permanent good of the Church. There was but one other subject to which he would advert, and that was, the complete carelessness shown by the Bill in providing a security for the certain payment of the incomes to the bishops after they should have been assigned to them. There would actually be nothing to prevent the Commissioners, in whom absolute power would be vested, from selling any portion of these estates according to their discretion. What check was there? What security was there that a sufficient part of the estates would be reserved to ensure the payment of the fixed sums to the bishops? By the provisions of this Bill the bishops would be deprived of all the security which they had hitherto enjoyed; they would be left without a sufficient security for the incomes hereafter assigned to them. Viewing the Bill as it at present stood, though not dissenting from the general views of the noble Lord who had introduced it, he could not consent to the principles upon which it was framed, and must therefore oppose the second reading of the Bill if pressed to a division.

MR. R. PHILLIMORE said, he hoped the noble Lord would consent to postpone the measure. Of that which was said to be the principle of the Bill—namely, that clergymen should be relieved as much as possible from secular duties—he should not express his disapprobation, and, therefore, he trusted the noble Lord would not force hon. Members having the same principles as himself to vote against him. The noble Lord first introduced a Bill on this subject on June 9, 1852, and on the second reading the right hon. Gentleman the Member for Midhurst (Mr. Walpole) stated that the Government were willing to take the subject into consideration, and recommended the noble Lord to leave the matter to the Government. The noble Lord yielded to that. When Parliament met again in November, 1852, a Commission was appointed, and the noble Lord was a Member of that Commission, which had not yet made its Report. Last Session, the noble Lord again brought forward his measure, and he seemed to think then, as he did now, that the management of church property was not properly at the disposal of the Commission. He (Mr. R. Phillimore) thought much depended on that. If the noble Lord thought the management of the property was not a subject for the consideration of the Commission, that might be a fair reason for pressing the Bill, but if, on the other hand, the opinion of the hon. and learned Member for the University of Cambridge (Mr. Wigram) was correct, that the subject of property was within the scope of the Commission, he would put it to the noble Lord whether it was wise to force on the consideration of this Bill by the House.

MR. SPOONER said, he concurred with the hon. and learned Gentleman in requesting the noble Lord to postpone the consideration of this question. There were many points in the Bill upon which they should ascertain the opinions of Government before coming to a decision upon it. He hoped the noble Lord would, therefore, concur in the Motion which he was now about to make—namely, that the debate be adjourned to Thursday, the 6th April.

THE MARQUESS OF BLANDFORD said, that considering the Motion made by the hon. Member for North Warwickshire, the absence of Ministers, and the importance of the question, he was unwilling to press the measure through the House in an unbecoming manner. He willingly concurred, therefore, in the Motion for postponement, and as many misconceptions appeared to prevail as to the nature of the Bill—he particularly referred to those entertained by the hon. and learned Member for Cambridge—he hoped that when the proper time came he should be able to discuss them.

Debate *adjourned* till *Thursday*, 6th April.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, March 30, 1854.

MINUTES.] *Sat First in Parliament.*—The Lord Suffield, after the death of his Brother.

ADMINISTRATION OF THE CRIMINAL LAW—PROSECUTIONS FOR PETTY OFFENCES—QUESTION.

LORD CAMPBELL said, he was desirous of putting a question to his noble and learned Friend on the woolsack as to the intentions of Her Majesty's Government with respect to what appeared to him to be a great defect in the present administration of the criminal law. He had just returned from administering justice to Her Majesty's subjects upon circuit; and in every county he had visited he remarked the existence of a great evil, namely, that there were commitments for what were called felonies, but what were in reality offences of the most trivial character, such as stealing a loaf of bread, a pound of bacon, a pair of old shoes, or a few turnips of the value of 1*d*. All these offences it had been his duty to try over and over again; he did not complain of that, as probably he was as usefully employed in performing the functions of a Judge as in assisting their Lordships in their deliberations. But the class for whom he felt was the offenders themselves. It had happened again and again that the persons who had been committed for such miserable offences had been lying for months in gaol, and had suffered a much longer period of imprisonment before being brought to trial than would have been awarded to them upon conviction. Many of them pleaded guilty, and would have pleaded guilty in the first instance if they had had an opportunity afforded them of doing so. Surely, this was a state of things which ought not to be allowed to remain; and he would suggest that the justices in petty session should have the power of dealing summarily with these cases; for he thought there was no difference in point of reason and common sense between a trespass and a felony of the class referred to. If turnips were pulled up out of the ground and carried away, the offence was in point of law a trespass; but if they had been previously pulled, and had been left upon the ground, the taking them away became felony; and in the latter case there was a commitment and a trial "before my Lord Judge" at the assizes. Surely, the distinction made between the two cases was discreditable to our law. It was highly desirable that the justices in petty session in the case of a trifling felony should have the power, with the consent of the offender—and in most cases that consent would be willingly given—of exercising a summary jurisdiction, and, upon conviction, of awarding a few days' imprisonment, which would be as much as the offence deserved. The matter was one which could only be properly taken cognisance of by the Government; and he wished to ask his noble and learned Friend the Lord Chancellor if there was any intention upon the part of Her Majesty's Ministers to bring in a measure to remedy the crying evil of which he complained?

THE LORD CHANCELLOR admitted that the subject was one which deserved the most serious attention. He believed his noble and learned Friend was not in the House three weeks ago when a petition was presented by his noble and learned Friend behind him (Lord Brougham), not exactly to the same effect, but praying that some steps might be taken for enabling persons charged with these very minor offences to plead guilty at a court of petty sessions, and to give the magistrates in petty sessions the power summarily to dispose of the case. He (the Lord Chancellor) had expressed upon that occasion his sympathy with the feeling in which that petition originated, and his general concurrence with the petitioners as to the importance of the object which they had in view; but he must say that he had felt, and felt still, great difficulty in knowing where to draw the line, and in defining those cases where the jurisdiction of the justices in petty sessions should be exercised. He agreed with his noble and learned Friend that the matter was one to which Her Majesty's Government ought to direct its attention; and when the petition was presented, to which he had already referred, he had suggested that it would be better to wait until his noble and learned Friend should have returned from circuit, because it was a subject with which he, as the head of the chief court of criminal jurisdiction in the country, was particularly conversant. He should be most ready to concur with his noble and learned Friend in an endeavour to devise the best possible scheme for remedying an evil, the existence of which he admitted; but he was sure his noble and learned Friend would feel with him that there were difficulties to be overcome; because, to limit the summary jurisdiction to cases where the property taken was of less value than a shilling, or anything of that sort, would not in point of fact be to deal with the subject at its foundation. What was wanted was something of a more general nature; and it appeared to him that the difficulties to be encountered had reference not only to value, but also to the constitution of the tribunal before which the case should be brought. It might very often happen if the jurisdiction were given to the justices in petty session, that the party charged might be taken before magistrates in whose presence he would hardly dare to say anything, he would be so completely under their control. These were some of the difficulties which appeared to him to stand in the way of dealing with the subject practically; but he fully admitted its importance, and, although he could not say that it was at present under the consideration of Her Majesty's Government, he would take care that it should be under their consideration as soon as he could get the concurrence of his noble and learned Friends in devising measures by which those difficulties might be overcome.

LORD BROUGHAM said, his noble and learned Friend (the Lord Chancellor) had already referred to what had passed when he (Lord Brougham) had presented a petition some time ago. He entirely concurred in the opinion which his noble and learned Friend the Lord Chief Justice had expressed, that a great number of the cases which were sent to the assizes for trial were cases of a very trifling character, and such as ought to be disposed of before another tribunal. The petitioners had requested him to present a Bill to their Lordships, having reference to the grievance of which they especially complained—the dragging of the jurors and prosecutors and witnesses from all parts of the country to the assize town where the prisoners in one-third, or even in one-half the cases pleaded guilty. They urged that this was a great grievance as well as a great expense; that there was no necessity why it should continue; and that the parties aggrieved were not only the prosecutors, and witnesses, and jurors, but even the offenders themselves. His reason for not having presented such a Bill to their Lordships was, his concurrence in the opinion of his noble and learned Friend, that the subject was one which Government ought to take up; and that the change could only be advantageously—he might say safely—carried out under Government control. He had also another reason. He thought that any measure of this kind ought to originate in the other House of Parliament, composed as it was in a great measure of the magistracy of the country. The first reason which he had assigned was, however, a sufficient vindication of the course which he had taken in not complying with the request of the petitioners, by presenting a Bill upon this subject—a subject which would more properly be dealt with by Her Majesty's Government, and by a measure introduced under the superintendence of the Secretary of State, than by any private Member of the Legislature. He trusted that his noble and learned Friend would avail himself of some other opportunity of giving to the Legislature, the profession, and the country, the great benefit of the opinions which he had expressed a few weeks since, on the important subject of a public prosecutor. He trusted that that subject also would come under the consideration of the Government, and, although he agreed with his noble and learned Friend that there were very considerable difficulties to be overcome, he thought that the time had at length come when it was absolutely necessary some such measure should be carried into effect.

THE WAR WITH RUSSIA—

THE RUSSIAN FLEET IN THE BLACK SEA—QUESTION.

THE EARL OF MALMESBURY: My Lords, I rise to put a question to the noble Earl opposite the Secretary of State for Foreign Affairs, with reference to some rumours which have created considerable anxiety in the public mind, and which have been confirmed by private letters—some of which I have myself seen—from Odessa and Constantinople. These letters state that a considerable force of Russian ships had left Sebastopol, and had made a descent upon the coast of Circassia; but they do not appear to agree as to the object of the movement, some saying that it was to carry Russian troops to reinforce the garrisons along the coast of Circassia, while others think the object was to bring away the garrisons from the isolated forts upon that coast. Your Lordships will be aware that the line of fortresses along the coast of Circassia is, virtually, all that Russia possesses in that country, and it is supposed to be one of her most vulnerable points, and the most open to successful attack. Whatever, therefore, the object may have been—whether it was to strengthen these garrisons or to withdraw them from the strait in which they might be supposed to stand—it was of considerable importance that that object should have been prevented by Her Majesty's ships. On the contrary, however, if these rumours be true, the Russian force has not only been unimpeded in any way, but Her Majesty's fleet and the French fleet are still lying at anchor in Beicos Bay. I have now two questions to ask my noble Friend—the first is, whether he can say that the rumours of a Russian force having left Sebastopol for the coast of Circassia are true or false? and, in the second place, whether he has any objection to state to the House the position now held by the combined fleets—whether they are lying, as I understand they are, in Beicos Bay? in which, it appears to me, they would be very nearly useless in the way of preventing any of those sudden operations which may have taken place on the part of Russia.

THE EARL OF CLARENDON: My Lords, the only answer I can give my noble Friend is, that I have read in the public journals the reports which he has referred to, but that the Government has received no official communication upon the subject. Such information as they have received is rather of a contrary character, so far as Circassia is concerned. A recent telegraphic despatch from Constantinople stated that it was reported that several—I think ten—Russian ships of war had left Sebastapol and were between that place and Perekof, which is upon the northern coast of the Crimea, and not at all near the coast of Circassia. That is the only information we have had. With respect to the position of the combined fleets, I may say that, according to the last accounts, they were at Beicos Bay, and that Sir Edmund Lyons had just returned from a cruise in the Black Sea, having been with the steam portion of the fleets, in the course of which he passed along the fronts of the forts to which my noble Friend has alluded, and in front of Sebastapol; and after having cruised a month in the northern parts of the Black Sea, returned without having seen a single Russian vessel.

TESTAMENTARY JURISDICTION BILL.

On Motion that the House go into Committee on this Bill,

THE LORD CHANCELLOR said, it was not his intention to move—notwithstanding the notice he had given—the restoration of the clauses relating to real estate, which had been struck out in the Select Committee. Personally, he entertained the same opinion as he had held when he introduced the Bill, and as had been held by the great majority of the Commissioners who had inquired into this subject. He thought that the retention of the clauses would be very beneficial; but he had had so many communications, not only from his noble and learned Friend now on his left (Lord St. Leonards) and those who usually acted with him, but from other noble Friends of his upon the Government side of the House, and who were also of opinion that the clauses ought to be withdrawn, and that unless they were withdrawn the Bill would be defeated, that he had felt it his duty to yield to what appeared to be the general sense of the House. Another reason which had induced him to take this course—notwithstanding that he had thought the matter so important as to give notice to restore the clauses relating to real estate—was the doubt which he confessed he entertained whether it was quite a wise course to pursue, when a subject had once been referred to a Select Committee and considered and decided on by them, to move the restoration of any matter which that Committee had struck out. He felt that this would be a strong measure to adopt, except under very extraordinary circumstances; and although he had felt justified in giving notice of a Motion to restore these clauses, on account of their having been recommended by so very large and preponderating a majority of the Commissioners, he thought it better, under all the circumstances, not to persevere with it. What he proposed, therefore, was that the House should go into Committee *pro formâ*, for the purpose of introducing amendments, with respect to compensation and some other matters, that the Bill with these amendments should be printed, and that the recommittal should take place on Monday next.

LORD ST. LEONARDS, who had given notice of his intention to move a clause confining the jurisdiction in matters testamentary to one branch of the Court of Chancery, to empower the Judge of the Prerogative Court to sit as a judge of such branch, and to give precedence in contentious testamentary matters during ten years to the present advocates, addressed the House briefly in support of these propositions. With respect to the first, the noble and learned Lord said, while it would give the jurisdiction to the Court of Chancery, and obviate the necessity of creating a new court, it would keep the testamentary business together, which was a very important object, that business being of such a nature that it ought to be confined to one court. With respect to the advocates, who had devoted their lives to the successful pursuit of their profession, and who were about to have the ground cut away from under them by the operation of this Bill, his proposal to give them preaudience, in order that the public might have the advantage of their learning and experience in that branch of practice, leaving the business open in other respects to the general body of the bar, was one which he was sure the bar would receive with very great pleasure. Upon the other point, he thought there could be little doubt that great benefits would result if they should be able to secure the services of the learned Judge of the Prerogative Court in connection with that class of cases which had occupied so much of his attention, and over which, up to this moment, he had had perfect jurisdiction.

The **LORD CHANCELLOR** said, his noble and learned Friend and himself were very nearly agreed as to their object; but he thought there would be some difficulty in discussing at this moment the details of the proposed Amendments. The better plan would be for his noble and learned Friend to give notice of his clause, and have it printed. He (the Lord Chancellor) would have the Bill altered in conformity with his own view; and if that alteration should not meet his noble and learned Friend's approval, it would be open to him, of course, to propose his clause in Committee.

Lord **CAMPBELL** expressed his regret that the clauses relating to real estate had been struck out by the Select Committee. He thought, however, that his noble and learned Friend (the Lord Chancellor) had exercised a wise discretion in the course he had pursued in acquiescing in the loss of those clauses, though he must express his opinion that the measure would be a very imperfect one without them; and he had thought that within that House there was a great weight of authority in favour of that part of the measure; and although he now heard for the first time that there was a strong feeling against it, he should be sorry to be included in the number of those who opposed it. He, for the most part, deeply regretted that after a will disposing of real and personal property, which now stood on precisely the same footing, as far as testamentary disposition was concerned, had been established by the solemn adjudication of a court of competent jurisdiction, its validity might still be questioned in an action of ejectment, and that a distinction for this purpose should be made between freehold and leasehold property. He concurred with his noble and learned Friend opposite (Lord St. Leonards) as to the advantage which would result from confining this jurisdiction to one branch of the Court of Chancery, instead of dividing it among all the branches. And he admitted that the case of the advocates was one which ought to be dealt with with great tenderness towards a most learned, respectable, and honourable body. He doubted, however, whether giving them precedence of all the Queen's Counsel, although it would place them in a very honourable position, would be found very profitable. He thought they had a much better chance of being employed as juniors than as leaders, and he suggested that their own opinions should be ascertained before this arrangement was pressed.

Lord **BROUGHAM** was understood to concur in the propriety of forming a court within the Court of Chancery for hearing cases of testamentary jurisdiction. The interests of the public would be, he thought, consulted by retaining the services of the learned Judge and the learned advocates who now practised in Doctors' Commons.

Lord **St. LEONARDS** would endeavour to ascertain the wish of the bar on the subject. There were gentlemen of great learning and experience practising in Doctors' Commons, but with regard to the juniors of that court, he did not wish to place them, against their will, over the heads of persons who had a great deal of business in the Court of Chancery. There might be a power given to these gentlemen to declare at once the position in which they would like to stand in this respect.

In reply to the Earl of Donoughmore,

The **LORD CHANCELLOR** said, that the salary of the registrar, the sealer, and the record-keeper would be fixed at the same amount as they had previously received, as nearly as the amount of fees received by them could be ascertained.

House in Committee; Amendments made. The Report thereof to be received *To-morrow.*

House *adjourned* till To-morrow.

HOUSE OF COMMONS,

Thursday, March 30, 1854.

Minutes.] Public Bills.—1° Piers and Harbours (Scotland).
3° Income Tax.

RIGHTS OF NEUTRAL VESSELS—QUESTION.

Mr. **HEADLAM** said, he wished to ask whether upon a Russian vessel being sold to avoid a capture and purchased *bonâ fide* by a neutral having notice of the cause of the sale, the sale would be recognised by the British fleet, in the event of the vessel continuing to be navigated by a Russian crew, or in the event of the vessel after the sale being navigated by a fresh crew of neutrals?

Lord **JOHN RUSSELL**: I observe, Sir, that notices of several questions to be put to me upon this subject stand upon the paper for to-day. I stated, on a former occasion, in reply to a similar question, that a declaration or a proclamation in some form would be issued by the advice of the Ministers of the Crown when a declaration of war was made. That promise has been fulfilled, and such a declaration has been issued. The questions that may be asked on this subject appear to me to be either questions relating to points of law upon which opinions can be given, or questions relating to points of law which are very doubtful. With respect to the former class of these questions, the Attorney General or the Solicitor General, when they are in the House, will be happy to give any information calculated to be useful to the public; but, with regard to the other class of questions, it is obvious that it would be very improper for any Members of the Government to give answers to questions which might afterwards become the subject of controversy in the courts of law, where their opinions might be overruled. If my hon. and learned Friend the Attorney General thinks it consistent with his duty to do so, I have no doubt he will answer the questions which have been put by the hon. and learned Member for Newcastle-on-Tyne.

The ATTORNEY GENERAL: In answer to the first question, I beg to say, Sir, that the view I take is this—that the sale of a Russian ship to a neutral for the purpose of avoiding capture, if it were a *bonâ fide* transaction, would undoubtedly be protected by law. The hon. and learned Gentleman (Mr. Headlam) asks the question generally, and also with reference to the circumstance, that if a vessel thus sold might continue to be navigated by a Russian crew. If the transaction were really *bonâ fide*, I think that would not make any difference, although it might raise a suspicion as to the *bona fides*.

Mr. MITCHELL said, he could not quite catch the answer of the noble Lord the Member for London to the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam), but at any rate he felt it his duty to put the questions of which he had given notice, because they were of the utmost importance to the traders of the country, and because it was only fair that they should not be in the dark as to the real condition of matters. It was necessary, however, before putting his questions, that he should make some explanatory remarks—[*Cries of* "Oh, oh!" *and* "Order!"]

It would be otherwise absolutely impossible for him to make his questions understood. A deputation of Russian traders having waited upon the Foreign Secretary ten days ago, in consequence of that interview they received a letter, dated the 25th of March, from the Foreign Office. In that letter it was distinctly intimated that the rights of the service would be claimed with regard to neutral vessels. Now, in the declaration issued on the 28th, that was three days later, the rights of the service with regard to neutrals were waived. He considered, therefore, that it was only right to ask whether the letter from the Foreign Office, or the declaration, was to be acted on by persons in trade. But leaving that point, what he wished, in the first place, to know was, whether an enemy's property on board neutral vessels was liable to seizure, unless it were contraband of war; whether the same privileges were to be extended to Russian produce the property of British subjects; and whether the same privileges of bringing over that produce of the enemy from a neutral port was to be extended to British vessels, or whether they were to be placed in a different position? Secondly, he wished to ask whether it would, on its arrival in this country, be liable to seizure? And thirdly, what articles would come under the head of "contraband of war?" for, he begged to observe, that the greatest doubt prevailed in the public mind as to what articles could be considered such.

The ATTORNEY GENERAL said, as his hon. Friend was not content with the answer which he had already given, he would endeavour to give him a better one. He thought that the hon. Gentleman in some degree misapprehended the effect of the recent declaration. It had never been intended to give up altogether the right of search in regard of neutral vessels. It was quite impossible to surrender the right of seizing neutral vessels which might be carrying either the enemy's despatches or articles contraband of war. That was a right conceded by the law of nations to every belligerent power. What the declaration did give up was, the right to seize in neutral vessels enemy's goods, which, by the common law of nations, we had a right to seize. With regard to the question what was contraband of war, that, certainly, was a question he could not take upon himself to answer. It was one of the most difficult and complicated questions that rose under the law of nations. He might be allowed, however, to state, for the information of his hon. Friend, that a recent most able treatise on international law, which occupied thirty-four closely-printed pages, substantially classified contraband of war under two heads—first, such things as from their very nature were applicable to the purposes of war, such as arms and ammunition; and, secondly, such things as were capable of being applied to other purposes besides those of war, but which might be intended for the furtherance of war, such as provisions. With regard to the question whether Russian produce was to be considered liable to seizure on board neutral vessels, the answer was this:—It was clear, by the law of nations and the law of the land, that the subjects of a belligerent Power had no right to claim an immunity. If Russian property should be purchased and become *boná fide* the property of British subjects prior to the commencement of war, or if at the commencement of the war it should be purchased *boná fide* from neutrals, it would be protected and not liable to seizure. But if it should be, directly or indirectly, by colourable pretexts, purchased from subjects of the enemy with whom British subjects were prohibited from dealing, it would not be protected, and was liable to be captured.

Mr. PRICE said, he begged to ask the noble Lord (Lord J. Russell) whether Russian produce, being *boná fide* British property, will be exempt from seizure in neutral as foreign property will be in neutral, or neutral property in foreign vessels? And whether any arrangement will be made by which letters of licence will be granted to neutral or British vessels to bring away Russian produce, being now *boná fide* British property, notwithstanding any blockade of the harbours in which such property may be lying?

Lord JOHN RUSSELL: I make no doubt, Sir, that British produce on board neutral vessels would not be liable to seizure. As to the latter part of the question, regarding letters of licence to neutral or British vessels to bring away Russian produce, I should say that with regard to British subjects who might be in the Russian territories or ports, arrangements are in contemplation whereby, on those persons coming away in neutral vessels, they will be enabled to pass, notwithstanding any blockade. But as regards Russian produce, no such arrangements are in contemplation.

QUARANTINE REGULATIONS IN GIBRALTAR—QUESTION.

Mr. RICARDO said, he wished to ask the hon. Under Secretary for the Colonies whether the regulations, by which vessels arriving at Gibraltar from Great Britain are placed in quarantine, are the independent act of the Governor, or in pursuance of instructions from the British Government; and whether he would lay on the table any correspondence which might have taken place on the subject either between the Governor of Gibraltar and the Spanish Government, or between the English and Spanish Governments, or between the British Government and the Governor of Gibraltar?

Mr. FREDERICK PEEL said, that the regulations to which the hon. Gentleman referred were not imposed by either the Governor of Gibraltar or the Government of this country, but by the Board of Health, consisting of several persons in Gibraltar acting under an Order in Council; and the reason was that Spain had placed Gibraltar in quarantine because Gibraltar would not place England in quarantine. This state of things continued for some time, to the great inconvenience of the inhabitants, who suffered severely by the want of provisions, and to afford temporary relief the Board of Health did place this country in quarantine. A person, however, had been appointed to inquire into the circumstances and to report thereon. As to the papers asked for, the hon. Gentleman could have them whenever he liked to move for them.

THE ARMY—SOLDIERS' WIVES.

THE WIVES AND FAMILIES OF SOLDIERS ORDERED FOR SERVICE IN THE EAST.

Colonel HARCOURT said, he rose to move for returns of the number of married women belonging to each of the regiments ordered on foreign service. It was his apprehension that the public sympathy might be exercised in a manner prejudicial to the discipline of the service, as it made no distinction between those who had married with leave and those who had married without. It was provided by the regulations that no soldier should be enlisted who was a married man—that no soldier, when enlisted, should marry without the leave of the commanding officer—and that if any soldier should marry without leave, he should not enjoy the same privileges as those who married with leave. The sympathy of the public had been greatly excited on behalf of the wives and children of the soldiers who had just gone on foreign service, and in some cases that sympathy had not been manifested with sufficient discrimination. He would take the case of Hawkins, the wife of a man in the Scotch Fusilier Guards. That man was married a year before he entered the service, but he declared himself to be an unmarried man, and the circumstance was not known until it was recently stated in the newspapers. The wife of this man was placed now in a better position than even the wives of those who married with leave. It had been reported that she had received in charitable subscriptions from 20*l.* to 50*l.* Now, he asked the House, was this the best mode of distributing charity, or rather, was it not one of the worst that could have been had recourse to? Much sympathy had been shown in this case, but their fair countrywomen had not shown a similar sympathy upon other occasions, when it was quite as much needed. Where was their sympathy for the wives and children of those soldiers who had been sent to quell the rebellion in Canada—or those who had been sent to India to maintain our Indian Empire—or those who were sent to Affghanistan—or those who were sent out to the Kaffir war? Even at this present moment there were two regiments fitting out for India, and he would ask whether public sympathy was not to be shown towards the women and children who would thus be left behind, and who were in just as much distress as the others? The fact was, that the wives and children of our soldiers, who were left in a necessitous condition on such occasions, ought not to be left to individual charity for their support, but should be relieved in some permanent way as a national burden. The hon. Member for Montrose (Mr. Hume), who used to be considered by the service as anything but the soldiers' friend, had expressed his opinion, at a recent public meeting, that the wives and children of soldiers should be left as legacies to the country's charge. Such sentiments did the hon. Member great credit, and he hoped the hon. Member would support any measure brought forward by which a permanent provision was established to meet the distress engendered among the dependents of the soldiers by such a state of things as the present. Before he stated the suggestions he wished to make to the House, he would, with permission, read a letter on this subject which he received from an officer commanding in the south-western district. [The hon. and gallant Member then read the letter, in which it was stated that the charitable contributions towards soldiers' wives would be productive of consequences fraught with evil, unless they were dispensed with care and with discrimination.] Much misconception prevailed on this subject. The writer also alluded to an alleged statement of the hon. and gallant Member for Portarlington (Colonel Dunne), who said that the "fearful increase of married men" in the Army was in a great degree the result of the encouragement of commanding officers. His (Colonel Harcourt's) own experience taught him that, so far from commanding officers encouraging soldiers to get married, it was the occasion of much anxiety and annoyance to them. When the soldier was married, his earnings were often so much devoted towards the support of his family, that he became himself actually debilitated from want of nutritive food, and was obliged to go back to his mess. While upon this point, he could not help calling the attention of the Government to the very great evil which would be entailed upon all places where barracks were situated and upon all points of military embarkation, if the whole of these families of soldiers were, by the new Non-Removal Bill, to be thrown upon the parishes in which they were left. He could not, for instance, conceive a greater evil than would be entailed upon Portsmouth, where, in the course of a few years, perhaps, half the regiments in the service passed through on their way abroad. Another injustice created by the existing army regulations was, that while regiments, upon embarking for any of our Colonies, were allowed to be accompanied by the lawful wives of the men, in the proportion of six to every 100 men, including non commissioned officers—the wives receiving half and the children quarter rations—when a regiment left for active service abroad the embarkation of women was curtailed, and no provision at all was made for the support of those left behind, except that money was given to enable them to proceed to their homes. Now, he would suggest to the right hon. Gentleman the Secretary at War, that upon the occasion of all regiments going abroad, whether for active foreign service, or for colonial service, some allowance should be granted to the soldiers' wives, supposing no women were allowed to accompany the regiment—and that the six women, with their families, who would have been entitled to go out with their husbands, should receive the same allowance as if they had actually gone out—namely, half and quarter rations. He did not think the wives of those men who had married with leave of their commanding officers, and who had gone out to fight their country's battle, should be sent to the workhouse, and he did not see where there would be any room for imposition if relief were given to them, at the public expense, on a permanent footing, upon the production of a proper certificate from the commanding officer of the regiment. He felt it as a duty to the profession to which it was the pride of his life to have had the honour to belong, to bring this matter forward; and, if by the few observations he had made, any benefit accrued to the service, and the soldiers who had just gone out felt that their families at home were not neglected, it would be to him a matter of the highest satisfaction.

MR. SIDNEY HERBERT said, he had no objection to the production of the returns for which the hon. and gallant Member had moved; but as there might be some difficulty in getting these returns accurately, perhaps the hon. and gallant Member would have no objection to the introduction into his Motion of the words, "so far as can be ascertained." He, to a great extent, agreed with the observations of the hon. and gallant Member. There was no doubt that an indiscriminate charity applied to the families of the soldiers ordered abroad would lead to very mischievous results. He had been in communication with some military men and others, by whose efforts a subscription for their relief had been originated, and he was happy to find that those gentlemen, from their practical experience on the question, were perfectly aware of the difficulties which beset the subject, and were disposed to administer the relief which the subscriptions at their disposal would enable them to afford, under regulations which he trusted would prevent the evils that might otherwise be anticipated. He believed that they had strictly adhered to the rule of recognising a distinction between the wives of those soldiers who had married with leave and those who had married without leave; and, having been put in communication with the depôts, they had been able to procure returns of the number of men married in the various regiments, and what the peculiar circumstances attending each case were, so far as they could be ascertained. It was the intention of these gentlemen, he understood, not to break through the rule of refusing relief to women marrying without leave, except in peculiar cases, where it would be an act of great inhumanity not to administer such relief. He thought the hon. and gallant Officer was under a mistake in his reference to the circular issued from the War Office on the occasion of the departure of the troops, as that circular made no change in the regulations, but was merely a summary of the existing regulations under which the wives are removed at the public expense to the parishes of their husbands. In the case of the soldiers who were quartered at Chobham, rations had been issued to the wives of soldiers left behind in the various localities by the regiments stationed there; but this had been done for the simple reason that it was a much cheaper process and more convenient for the public service, that the wives and families of soldiers should be rationed in the barracks from which the regiments had been marched, than that the quite unnecessary expense of sending them back to their parishes should be incurred. With regard to the proposal for establishing regulations whereby soldiers' wives should receive half rations, they not being allowed to accompany their husbands, he must inform the hon. and gallant Member that it was of importance to the troops that some women should accompany them, seeing that there were many things which could not be so well done without their assistance. He should be afraid, moreover, to establish a rule the effect of which might be taken to be that soldiers' wives should be always supported at the public expense. The rule of sending out six women to every 100 men had, he thought, better be maintained, as they were, as he had just stated, of use to the troops in washing and other matters, and would, no doubt, rather be sent out than be left at home. He might state that he was still engaged in making inquiries upon the subject, and endeavouring to ascertain whether some method analogous to that which was in use in the Navy might not be adopted with regard to the Army, and whether married soldiers could not be enabled to support their wives in their absence from home. There was, however, this difficulty in the case of the

Army—that the soldiers' pay was smaller than the pay of the seamen, and his expenses were also greater, so that the surplus left to send home in the two cases was very disproportionate. He must guard himself against undertaking to adopt the system proposed by the hon. and gallant Member, but there was no doubt that anything which would tend to the encouragement among soldiers of marrying without the usual permission would lead to a great multiplication of those evils which were inseparable from any military system.

COLONEL LINDSAY said, that a difference in the regulations on this subject between the Horse Guards and the War Office led soldiers to suppose that the rules existing with regard to those men who married without leave were not carried strictly into effect, and thus soldiers were induced to marry without obtaining the necessary leave. The only difference between soldiers embarking on this expedition and those who embarked upon regular colonial service was, that, in the present instance, two women less to every 100 soldiers were allowed to embark and were rationed, and instead of knowing for months beforehand their destination, they were in the present case hurried off at a very short notice. The number of women generally allowed to every 100 soldiers was six; but in the present case only four were allowed, and he should like to know from the right hon. Gentleman the Secretary at War if rations were to be continued to be allowed to the women left behind. He thought that, as the system of limited enlistment would shortly come into operation, it was worth while to consider the expediency of making some new regulations with regard to the marriage of soldiers. If a soldier under the new system, enlisted when he was eighteen years of age, he would be entitled to his discharge at the age of twenty-eight, and there were very many persons in different situations of life who were not able to marry before they were thirty years of age. He was decidedly of opinion that it would be advantageous to adopt some rules which should have the effect not only of discouraging the soldier from marrying without leave, but also of increasing the respectability and comfort of those who had married by leave of the proper authorities.

Return *ordered*,

"As far as can be ascertained, of the number of Married Women belonging to each of the Regiments ordered on Foreign Service, the numbers who are married with, and the numbers married without leave; and the number of Children."

RESIGNATION OF MR. BAINES—

PERSONAL EXPLANATIONS.

MR. BAINES said: I beg leave to request the attention of the House for a very short time, while I state some circumstances relative to my connection with the office of President of the Poor Law Board, and my present position with regard to that office. I fear it may be necessary that I should enter into some little detail, but I can promise that my statement shall be as short as possible. When I introduced the Settlement and Removal Bill, I had framed it, as regarded the leading principle of the Bill, exactly in accordance with the recommendations of the Select Committee of this House which sat in 1847. It was framed so as to be confined to the abolition in England and Wales of the power of removal on the ground of settlement. When I introduced the Bill, my right hon. Friend the Member for Midhurst (Mr. Walpole) inquired whether it referred at all to the removal of Irish paupers from England and Scotland to Ireland. I stated very distinctly in reply, that the measure did not refer to that subject at all, and that it was confined to removals within England and Wales on the specific ground of settlement. A few days afterwards, I made a statement precisely similar, upon a Motion brought forward by the hon. Member for Dungarvan (Mr. Maguire). When the Settlement and Removal Bill had arrived within a few days of the second reading, it appears that a memorial, numerously signed by Irish Members of this House, was presented to the noble Viscount at the head of the Home Department, in which, after referring to the Bill before the House, the memorialists prayed that this opportunity might be taken of "placing the Irish pauper in England on precisely the same footing as to removal with the English pauper in England." That was the distinct prayer of the memorial. A communication was soon afterwards made to the memorialists, that "in the opinion of the Cabinet, the wish of the Irish Members ought to be complied with." That decision was taken, and was communicated to the memorialists, before I heard of it at all. Undoubtedly, as the head of the Poor Law Board, and also as the person having charge of this Bill, in which I took a deep and most sincere interest, I cannot deny that, when I first heard of this communication, I felt hurt and mortified. A little reflection, however, satisfied me that no personal discourtesy to myself was intended by those from whom I had never received anything but courtesy and kindness, and with whom I have always considered it a high honour to be associated. Even if I had not arrived at that conclusion, I hope I should have known my duty better than to allow myself, at a time like the present, to be driven from an important public office by any feeling of personal annoyance and vexation. But, Sir, I felt that there were some other considerations, not quite so easily to be disposed of. It appeared to me that I was likely to be placed in a situation of the greatest difficulty with regard to the future discharge of the duties of my office, and also with regard to the interests of this Bill, which, rightly or wrongly, I have very earnestly and conscientiously at heart. I had, myself, seen deputations from various boards of guardians, and had been questioned by them distinctly, whether the Bill would affect the removal of Irish paupers from England, and I had stated to those deputations that, so far as I was concerned, the question of those removals should not form any part of the present measure. I thought myself fully entitled to give that assurance after what I had myself stated twice in this House, and especially after what had been stated upon the same point by the noble Earl at the head of the Government in the House of Lords. It became evident, however, in the debate in this House on Monday last, that the Irish Members construed the answer which they had received to their memorial into a pledge on the part of the Government, that this Bill should be so moulded at some subsequent stage as to contain a provision abolishing the removal of Irish paupers; and it became obvious also, that other Members adopted the same construction. Now, with regard to the whole question of the removal of Irish paupers from England and Scotland to Ireland, my opinion was and is, that that question is not yet ripe for legislation. I have no doubt that the present law is in an unsatisfactory state; but I think that information as to the practical working of this law in the three kingdoms is still wanting, and that the public mind is not yet sufficiently informed and matured for legislation upon the subject. The Select Committee of 1847, in the course of their inquiries, touched upon it incidentally, and only incidentally, and they came to no resolution with respect to it. I think that before satisfactory legislation can take place with respect to these removals of the Irish, many facts must be ascertained, as well as the bearing of those facts upon the several systems of Poor Law established in England, Scotland, and Ireland. With these opinions, and under the circumstances which I have described, I could not help thinking that if I retained office, my character and efficiency as a public servant would be greatly endangered, and that the interests of the Settlement and Removal Bill might be irretrievably injured. Acting upon these grounds, and, I beg to assure the House, upon these grounds only, I sent on Tuesday last to the noble Earl at the head of the Government my resignation of the office of President of the Poor Law Board. In the course of the same day, I received from him a most kind letter, one passage of which (with his permission) I will read to the House. The noble Earl wrote to me:—

> "I very sincerely hope you may be induced to reconsider the decision at which you have arrived. At all events, I hope you will agree to suspend the execution of your present intention until it be seen whether anything can be done to remove the difficulties connected with the present state of the measure to which you refer."

Upon the receipt of this letter, I reconsidered the whole case very anxiously, and, as a man's own feelings under such circumstances are perhaps not a very safe guide, I determined to refer the matter to the judgment of two persons, whom I am proud to call my friends, a noble Lord and a right hon. Gentleman, both of them as distinguished for political and personal honour as any men in this country. The question I put to them was this:—Looking to all the facts, and to the correspondence which has taken place, are you of opinion that I may retain my office without injustice to my own character and efficiency as a public servant, and without disadvantage to the interests of this Bill? That noble Lord and right hon. Gentleman favoured me with their opinions, and on those opinions I have acted. I communicated the result to Lord Aberdeen on the following day, and I will read (again with his permission) a passage from the letter which I wrote to the noble Earl:—

> "As your Lordship is pleased to express an opinion that serious inconvenience to the public service would be occasioned by my retirement at present, and as I find that the friends with whom I have confidentially advised upon this subject

> consider that I may remain, without injustice to my own character, I beg leave so far to qualify the decision which I had formed yesterday, as to adopt the suggestion kindly made in your Lordship's note, remaining in my office for the present. I feel, however, that I must request permission to renew the tender of my resignation hereafter, in case I find that I am unable to acquiesce in the ultimate decisions of the Government with regard to the Settlement and Removal Bill, and the other questions connected with it."

Such, then, is the position in which I now stand. I hope I have not gone very wrong in all this; it has been my sincere desire to be quite right. The whole matter, however, is now before the House, and I leave it to their candid consideration.

MR. FRENCH said, that as one of the Irish Members by whom the memorial which had been referred to was signed, he begged to assure the right hon. Gentleman (Mr. Baines) that those who had the care of that memorial had not the slightest intention of casting a slight upon him by not sending it direct to his office. They considered it more advisable to send it to the noble Lord at the head of the Home Office, in which it must be remembered that there was an Irish as well as an English department. He did not understand the noble Lord (Lord Palmerston) to promise that any changes should be made in this Bill in order to deal with the Irish part of the question; but only that the Government would bring forward that subject in their own way. As the right hon. Gentleman (Mr. Baines) had given it as his opinion that there were not in existence materials on which to deal with this part of the subject, he (Mr. French) might remind him that there might be in the Irish department, which was entirely distinct from his own, materials on which the noble Lord the Secretary for the Home Department might be able to form an opinion. He was glad to hear that the services of the right hon. Gentleman were to be preserved to the Government of the country, and he could assure him that the Irish Members had not meant to cast any slight whatever upon him.

VISCOUNT PALMERSTON: I am sure, Sir, that the House will be of opinion with me, that no man who has any knowledge of the personal character and high feelings of my right hon. Friend (Mr. Baines), can question that whatever course he, upon full consideration, might think it right to pursue, was other than the course which he and those who might advise him might think most consistent with his private honour and public character. I am rejoiced that the decision of those by whom he has agreed to be guided has been such as he has just pronounced, for I can assure him that those who have the happiness to be his Colleagues in the Government would have considered it a great misfortune for them and for the country to have lost the benefit of his exertions in the very important department with which he has so beneficially for the country been connected. Sir, I am sure that it is unnecessary for me to say that in the transaction which led to the doubt upon the mind of my right hon. Friend, nothing could have been further from the thoughts of any of those who had anything to do with them—I speak most particularly for myself—than to do anything which could for an instant have impressed upon the mind of my right hon. Friend the idea that there was, on the part of his Colleagues, the slightest want of that regard and respect for him, individually and officially, to which he is so justly entitled. I happened to be at the time confined to the house by indisposition, and my communication with my Colleagues was therefore in writing. The moment I got the decision I communicated with my right hon. Friend as well as with those from whom the application came; but so far from its being the intention of the Cabinet, as I understood, that any change should made in his Bill, I distinctly stated that I requested my noble Friend opposite the Member for Tyrone (Lord C. Hamilton) to communicate with my right hon. Friend as to the best manner in which the object sought could be accomplished. I never for an instant considered that it was essential that the change with regard to the Irish paupers should be made in the Bill which my right hon. Friend had brought in for English paupers. On the contrary, I was always sensible that there were a variety of circumstances which might, on the one hand, render necessary fuller information before any measure could be devised, or which might require that the measure should be one entirely distinct from that already introduced. In conclusion I can assure the House of the satisfaction which the Government has derived from the decision to which my right hon. Friend has come; and I am sure the country will concur with us in thinking that it would be a great misfortune at any time, but more especially at the present moment, to lose the valuable services of my right hon. Friend.

Mr. T. DUNCOMBE said, that it was with surprise and with great regret that he had that morning read the announcement of the resignation of his right hon. Friend the President of the Poor Law Board. It would be in the recollection of the House that when the present Poor Law Board was framed, in lieu of the old one, they were told that they were to have in that House a Minister to whom they might apply—a great and important person, not to be treated like the mere subalterns of Government, and kept in ignorance of all its decisions. The House would also recollect the scenes that used to take place with the Home Department, then responsible for the administration of the Poor Law, which seemed to be thoroughly sick of Somerset House, and but too happy to vest the whole power in regard to the relief of the poor in the hands of an officer who was to be one of Her Majesty's Ministers, and to have a seat in that House. Now, he thought that the explanation which had been given by the noble Lord the Member for Tiverton (Viscount Palmerston) was not satisfactory to the House, even if it were so to the right hon. Gentleman; for the right hon. Gentleman had not been treated with the consideration which he (Mr. Duncombe) maintained was due to him on so important a subject as the non-removal of Irish and Scotch poor in connection with the Bill which he had laid on the table of the House. The right hon. Gentleman had stated that he had received various deputations on the subject of his Bill, and he (Mr. Duncombe) was aware that he had received deputations from nearly all the largest parishes in the metropolis—from St. George's-in-the-East to St. George's-in-the-West—and he was also aware of the kindness with which the right hon. Gentleman had always listened to what had been advanced by those deputations, and though the right hon. Gentleman had differed with them upon many of the opinions which they urged against his Bill, yet he had received them with so much kindness and urbanity, and had replied to them with so much frankness and openness, that he had gained the esteem and respect of all such deputations. Upon the honour of the right hon. Gentleman in this matter there was not the slightest imputation. No one supposed that he discussed this question with the deputations upon false premises, when he said that there was no chance of the abolition of the removability of the Irish and Scotch poor being included in the future policy of the Government. He little dreamed, any more than did the deputations, that there were these flirtations going on between Tyrone and Tiverton; that there was this Irish cloud hanging over his head. It was impossible that his Bill, or anything like his Bill, could apply to the case of the Irish and Scotch poor. Now, we were told that there could be no reflection upon him, because it was intended that there should be three Bills upon the subject. Why, what bungling legislation must this be. If we were to have one system of legislation, let us have one law which would apply equally to all the people throughout England, Ireland, and Scotland. Therefore, he thought this was no answer. What he particularly wanted to say, however, was, that he thought the right hon. Gentleman (Mr. Baines) had entirely vindicated himself from every charge or imputation of keeping back anything from the deputations which waited upon him. The right hon. Gentleman had been placed in a painful and false position, and so had that House, and so had those deputations which had had interviews with him on this subject, and so also had the public, and it was totally impossible that the House could discuss this question upon the limited view of the case that the Government suggested. Why, they were playing *Hamlet* with the part of *Hamlet* omitted, when they wanted to discuss this question of the removal of the poor on grounds connected with England and Wales only. The framework of the Bill must be entirely altered if they did not mean the poor of Ireland and Scotland to be removed; and if non-removal with regard to the poor of the three countries was intended, the whole question had better be postponed till next Session, that the Government might have time to make up their mind upon it. He (Mr. Duncombe) had great pleasure in learning that the right hon. Gentleman had at all events delayed his resignation; but, come his retirement whenever it might, the Crown would lose in him a most efficient Minister, and the poor a most sincere and considerate friend.

Mr. PACKE said that, as the success of a Motion he had made in reference to the Settlement and Removal Bill might have been instrumental in inducing the right hon. Gentleman to take the step he had announced to the House, perhaps he might be permitted to express the satisfaction he felt, in common with the rest of the House, at the honourable course pursued by the right hon. Gentleman; and he begged to add his testimony with regard to the ability, industry, assiduity, great courtesy, and kindness with which the right hon. Gentleman had discharged the duties of his office.

COLONEL DUNNE said, the frankness and courtesy invariably displayed by the right hon. Gentleman in his intercourse with Members on both sides of the House induced him to join heartily in the general expression of congratulation at the right hon. Gentleman's return to office. The real question, however, was, not the resignation of the right hon. Gentleman, but whether the Government were not, at the present moment, placed under the necessity of either breaking faith with the Irish Members or of differing from the right hon. Gentleman? They had been told that the claim to place the Irish pauper on the same footing as the English was irresistible, and he felt perfectly confident if the Bill passed for England without any provision in it for the Irish pauper, no Bill would be passed for Ireland. Could any Member of the Government give a guarantee that a Bill for Ireland would be passed? He would appeal to the noble Lord opposite (Viscount Palmerston), who was so popular among Irish Members, whether he had any hope of passing such a Bill? He would not appeal to common sense, because the noble Lord the Member for London (Lord John Russell) the other night objected to such an appeal being made in reference to any Government measure which the Irish Members felt justified in opposing.

MR. DISRAELI: Sir, as the right hon. Gentleman (Mr. Baines) has appealed to the sense of the House in this matter, it may, perhaps, not be considered impertinent on my part if I assure him that, so far as I can collect the feeling of hon. Gentlemen who sit on this side of the House, the right hon. Gentleman has made a statement which, in every respect, has left his honour untarnished. I also congratulate the House and the country on the right hon. Gentleman's resumption of that office which for a moment we believed that he had quitted. The manner in which he has discharged the duties of that office is, I believe, such as to entitle him to public confidence; and I am sure it has won for him the regard and respect of every Member of this House. I believe it may be said, moreover, that the right hon. Gentleman has caused the administration of a most unpopular law to be treated with respect by the country. Sir, I may also, perhaps, be allowed, as I am upon my legs, to state, on my own part, that when I heard it this morning, from a quarter which is now recognised as authoritative, though not so much so, perhaps, with regard to those individuals of subordinate rank as with respect to those who have the honour of sitting in the Cabinet, and who occupy a still more exalted position—I must say I did not feel that complete despair which I know was experienced by hon. Gentlemen who sit on both sides of this House with respect to the retirement of the right hon. Gentleman; for it is a very remarkable circumstance that within the space of much less, I believe, than twelve months, no fewer than five Members of the present Administration have felt it to be their duty to resign their offices, and have almost immediately returned to their posts. In the last spring there was a Lord of the Treasury, an officer of the Irish Government, and a Clerk of the Ordnance, who created considerable alarm by suddenly quitting the posts to which they had only just acceded. We had not recovered from the tremors of the spring, when in the autumn again something occurred of a still more appalling nature, although of the same kind, and a statesman retired from office whose retirement not only occasioned great consternation in this country, but throughout all Europe, and whose prolonged absence of three days from office may have, indeed, very unfavourably affected the negotiations which were then pending, and which have terminated in a most just, but, I believe, most unnecessary war. Now, Sir, we have been just threatened with the loss of one of the most respectable Members of the Administration; and certainly, had the country been deprived of his services, it would have been a circumstance which, I think, would have universally been to be deplored. Well, in all these cases, these five Members of the Administration no sooner vacated office than they returned to it. Sir, I have no objection to that; but what I would suggest to Her Majesty's Ministers would be, that some machinery should, in the course of the recess, be devised by which these internal bickerings might be terminated without their being made patent to this House and to the country. If these internal bickerings could not be reconciled, of course it would become a painful necessity that they should be made known to the world; but when we find, as is invariably the case, that from the preponderance of good feeling which exists among the present Members of the Administration, reconciliation can always be secured, does not the House think it would be more desirable that some machinery should be devised by which these painful expositions might be avoided. A court of arbitration would perhaps be difficult and doubtful; but it might be tried. In the present case, it appears that a noble Lord and a right hon. Gentleman have been successful, much to the satisfaction of the House, in inducing the President of the Poor Law Board to retain his office. I do not know who those persons are, and, perhaps, from their politics, they might not in general form the best elements for a court of arbitration; but the youngest bishop, or some other individual of great authority, might exercise that very beneficial influence which the country must desire to see exerted, in preventing a repetition of these scandalous exhibitions of discord. There is a very celebrated diplomatist, Sir Hamilton Seymour. He is not engaged at present, and it might be desirable that it should be understood that either the youngest bishop or some retired diplomatist of eminence should, in such cases as I have glanced at, be referred to as arbitrators. I make this suggestion in the most friendly spirit, and, if acted on, it might prevent the repetition of scenes which all must deplore, and which the Government must feel at this moment, notwithstanding their strength, to be rather awkward.

Subject dropped.

INCOME TAX BILL.

Order for Third Reading read.

Sir JOHN PAKINGTON: I rise, Sir, pursuant to notice—

"To call the attention of the House to the circumstances which have led to the proposed increase of the Income Tax, and to the intentions announced by Her Majesty's Government with respect to defraying the expenses of the war."

I do not intend to offer any obstruction to the progress of the Bill, or to oppose the imposition of the tax in question, for a longer time than the few moments which I shall feel it necessary to occupy in the observations which I deem it my duty to address to the House on the subject. At this moment, and more especially after the notice given for to-morrow by the noble Lord opposite (Lord J. Russell), I feel that our first duty is to give our best support to the Crown. The right hon. Gentleman the Chancellor of the Exchequer, in making his financial statement, stated that the ordinary revenue of the country would be insufficient to defray the extraordinary expenses of the war, which had already become certain; and he, therefore, proposed that, in order to liquidate this expense, that the income tax should be doubled. I am aware that the right hon. Gentleman's proposal only extended to the current six months in the first instance, but, under all the circumstances, I think I am justified, on the ground of simplicity in the argument, in speaking of the income tax as being doubled. The right hon. Gentleman was, however, aware that in seeking to double this tax he was imposing on the country a tax which, on his own authority, and his own showing, was unequal; and which, moreover, was oppressive and inquisitorial in its nature. The House, nevertheless, offered no objection to it. The hon. Baronet the Member for Evesham (Sir H. Willoughby), on a former evening, certainly moved an Amendment, which, under any other circumstances, would have been a fair subject for proposal; but, under existing circumstances, it was deemed unadvisable to press that Amendment to a division, and the House, therefore, acceded to the proposal of the right hon. Gentleman, I may almost say, without discussion, but unquestionably with the earnest desire to avoid any, the least appearance, of hesitation, in complying with the demands of the Crown to carry on the evidently approaching war. We are hardly free, therefore, under present circumstances, to consider the effect of the plan of the Chancellor of the Exchequer, because the attention of foreign nations is at this moment directed to all our proceedings, and I, for one, should be exceedingly sorry that any act of ours should offer the slightest appearance of opposition, or not prove that, whatever may be our party differences, they do not deter us from acting as one man, in granting the supplies to enable the Crown to carry on the war with that vigour and that spirit which are the characteristics of this country. But having fulfilled the duty which we owe the Crown on this occasion, we owe a duty also under the present circumstances to those whom we represent, and that duty must be discharged in the same manner. Looking, then, to the objectionable nature of this tax, and to the whole circumstances attending the financial arrangements of the right hon. Gentleman, we are called on to inquire and consider, not, perhaps, whether an increased income tax is required for the expenses of the war, but whether the management of the finances of the country by the right hon. Gentleman during the past year has not been such as to lead to the necessity of this increase at this particular time. Many persons will ask if the war is the sole cause of this obnoxious impost? I believe it can be traced further back, and that the real cause of the doubled income tax arises not from the impending war, but from the mismanagement of the finances of the country for the last twelve months by the Government, and that the reason—the real reason—why the country is called on for it, is because we are about to commence a war with an empty Exchequer. And why is the Exchequer empty? It is empty, in the first instance, because of the financial operation by the right hon. Gentleman at the commencement of last year; and, in the second, because of having brought down to the House in April last what I may fairly call a peace Budget, when the Government was in possession of information which—I will not say positively, but in all human probability—proved to them that a war with Russia was at least imminent. With the view of showing this, I request the attention of the House while I enter on a review of the financial circumstances of the last year, and I hope I shall be pardoned for referring to the past for the purpose of pointing out how it affects, and may further affect, the future of this country. The right hon. Gentleman has explained to the House how he proposed, at least for a time, to defray the expenses of the coming war. The right hon. Gentleman has told the House that he proposes to rely upon direct taxation for his chief resource, and only to recur to indirect taxation as a last resource. Looking at the present career of the right hon. Gentleman, and the nature of the tax which is dealt with, I think I am justified in endeavouring to show the House that the state of public affairs was such when the right hon. Gentleman brought forward his Budget, that he ought at least to have taken a different view of the subject. There was nothing to justify him in anticipating a continuance of peace, and, therefore, he ought then to have guarded most carefully the existing resources of the country. In order to show the House the information in the possession of the right hon. Gentleman when he brought forward his financial scheme of last year, it will be necessary for me to refer to the papers which have been laid before the House on the Eastern question. But in so doing I have no intention whatever to raise any debate upon the Eastern question; on the contrary, it is my intention and my wish to avoid such a debate. I wish simply to state to the House the financial circumstances under which this increase of the income tax has been called for, and I shall carefully avoid entering into the general policy of the Government on that question, and avoid entering into the answers of Her Majesty's Government to the several despatches to which I shall have occasion to refer. The first of these despatches is that addressed to the noble Lord opposite (Lord J. Russell) by Sir Hamilton Seymour. It is dated January 7th of last year, and was received on the 19th of the same month. I beg the House to bear in mind the dates:—

> "Orders have been despatched to the 5th *corps d'armée* to advance to the frontiers of the Danubian Provinces, without waiting for their reserves; and the 4th corps, under the command of General Count Dannenberg, and now stationed in Volhynia, will be ordered to hold itself in readiness to march, if necessary.
>
> "Each of these corps consists of twenty-four regiments, and, as your Lordship is aware, each Russian regiment is composed of three battalions (each of about 1,000 men), of which one battalion forms the reserve.
>
> "General Lüders' *corps d'armée*, accordingly, being now 48,000 strong, will receive a reinforcement of 24,000 men soon after its arrival at its destination, and supposing the 4th corps to follow, the whole force will amount, at least according to official returns, to 144,000 men."

Here is a clear intimation of an order for the despatch of 144,000 men to the frontiers of Turkey, besides a statement of further reinforcements. The next I shall refer to is one of those remarkable papers called the "Secret Papers." It is the first on the list, is dated the 22nd January, and it refers to a conversation which Sir Hamilton Seymour had held on the 14th of the same month with the Russian Emperor, just seven days after the date of the despatch I have just alluded to. The Emperor said:—

> "For my part, I am equally disposed to take the engagement not to establish myself there (at Constantinople)—as proprietor that is to say, for as occupier I do not say. It might happen that circumstances—if no previous provision were made, if everything should be left to chance—might place me in the position of occupying Constantinople."

Further on, in the same letter, Sir Hamilton Seymour says:—

> "The Emperor assured me that no movement of his forces had yet taken place, and expressed his hope that no advance would be required."

This statement of the Emperor of Russia, that no movement of his forces had yet taken place, might be consistent with the statement made a week previously by Sir Hamilton Seymour, for, though orders had been given for the advance of 144,000 men to the Danubian Provinces, it might be that the troops had not then moved. Nevertheless there was such a discrepancy between the two despatches as ought to have attracted the attention of the Government. The next despatch in question is that which adverts to the conversation of February 21. It was received in March, and it refers to a conversation which took place at a party at the Hereditary Grand Duchess's, and is as follows. The Emperor said:—

> "I repeat to you that the sick man is dying; and one can never allow such an event to take us by surprise. We must come to some understanding; and this we should do, I am convinced, if I could but hold ten minutes' conversation with your Ministers—with Lord Aberdeen, for instance, who knows me so well, and who has full confidence in me, as I have in him."

He repeated this in such a manner as led at once to the conclusion that if the sick man did not die of his own accord, it would only be because he was to be killed. Sir Hamilton Seymour in that despatch expresses his own opinion to that effect; and I beg the attention of the House to the warning given by him to Her Majesty's Government in putting the only construction upon this act of the Emperor of Russia which common sense will admit in the matter. Sir Hamilton Seymour, in the same letter, says:—

> "It is hardly necessary that I should observe to your Lordship, that this short conversation, briefly but correctly reported, offers matter for most anxious reflection.
>
> "It can hardly be otherwise but that the Sovereign who insists with such pertinacity upon the impending fall of a neighbouring State, must have settled in his own mind that the hour, if not of its dissolution, at all events, for its dissolution, must be at hand.
>
> "Then, as now, I reflected that this assumption would hardly be ventured upon unless some, perhaps general, but at all events intimate, understanding existed between Russia and Austria.
>
> "Supposing my suspicion to be well founded, the Emperor's object is to engage Her Majesty's Government, in conjunction with his own Cabinet and that of Vienna, in some scheme for the ultimate partition of Turkey, and for the exclusion of France from the arrangement."

Here is a distinct warning, a clear construction, and an explicit statement fairly communicated to Her Majesty's Government. What followed? On the very same day the Government received this note they also received another despatch dated the day after—namely, the 22nd February, from Sir Hamilton Seymour; and in that despatch they are informed that his anticipations are actually fulfilled, for that in a conversation which he had held with the Emperor of Russia the next day, that Sovereign had thrown out those proposals for a partitioning of the estate of the dying man which he had suggested was in his intention, and that he offered Egypt and Candia as the spoil for England. The next despatch is one to be found in the old series of papers, those just published, and it explains the reasons of Colonel Rose for demanding that the British fleet should be sent from Malta to Vourla. He wrote thus:—

> "Constantinople, March 7, 1853.
>
> "The Grand Vizier said that the Russian Government evidently intended to win some important right from Turkey which would destroy her independence, and asked me to request the British Admiral to bring up his squadron to Vourla Bay from Malta.
>
> "Feeling the intimate conviction that if the Sultan were not supported on this occasion, he would call to his councils a Ministry selected under Russian influence, I informed His Highness that I would tell your Lordship that I felt convinced that the safety of Turkey required the presence of the British squadron in those waters. M. Benedetti said the same as regards the French squadron.
>
> "But these assurances did not tranquillise the Grand Vizier's mind; he thought that Turkey would be lost before an answer could arrive from England and France.
>
> "The Russian Government had not kept faith with Her Majesty's Government; instead of withdrawing or allowing her troops to be stationary, she had advanced them up to the Turkish territory, ordering provisions for those troops in the Turkish provinces, without having ever declared or stated her cause of complaint against the Porte to the Porte—a thing unheard of amongst and contrary to the rights of civilised nations; she was taking other warlike measures, maritime as well as military, on a very great scale, unmistakeably with the view of overcoming Turkey's independence, or making war on her."

This was received on the 29th of March by Her Majesty's Government. The next despatch was one from Consul Yeames, received by the Government on the 11th of April:—

> "I beg leave to refer to my letter of the 4th instant, and I have now to inform you that the movements of the 5th corps have of late been hastened, so that the three divisions of infantry are to be assembled in the positions described before the end of

> the present month (O. S.). It is in particular to be observed that the 14th division, as well as the 13th, is prepared for an expedition by sea. The troops, including the officers, are to carry rations for four days, and knapsacks for the officers are now made for that purpose. I hear there is to be no baggage further than can be thus carried, and no horses will be embarked. . . . . Great exertions continue to be made by the Admiralty at Nicolayeff and Sebastopol to have everything that can swim ready for sea."

I come now to two despatches received on the 15th of April, the one from Colonel Rose. The writer says:—

> "Prince Menchikoff, as I learnt yesterday (March 30) from the Grand Vizier, has tried to extract a promise from Refaat Pasha before he made known to him the nature of his mission and of his demands, that the Porte shall make a formal promise that she will not reveal them to the British or French representatives."

The next and last despatch he would refer to was one from Vice Consul Cunningham, which was received on the same day:—

> "Galatz, March 28, 1853.
>
> "I have to inform your Lordship that fresh orders have been received in Bessarabia to prepare for the passage of troops, and to get waggons ready for the transport of baggage.
>
> "It is said, and such appears to be the case from the amount of preparation ordered, that two *corps d'armée*, upwards of 120,000 men, will pass, and waggons are ordered to be ready for the 10th of May (O. S.).
>
> "Whenever orders are given to make preparations, the greatest secrecy is enjoined.
>
> "Hitherto no troops, in addition to the five battalions mentioned in my last, have entered Bessarabia, but it is understood they are marching forward from all directions."

I shall trouble the House with no more extracts. Those I have given refer to the information in the hands of Her Majesty's Government when the right hon. Gentleman made his financial statement. They commence on the 7th of January and end on the 15th of April. They begin by informing the Government of the advance of 144,000 Russian troops to the Turkish frontier, they go on to the secret proposals of the Emperor, they show the alarm Prince Menchikoff's declaration had caused at Constantinople, they repeat the failure of proposals, and inform them that the whole time the Russian troops are advancing in all directions upon the Turkish provinces. The last extract is dated April 15—the right hon. Gentleman proposed his Budget on the 18th of the same month; and the Government was therefore in possession at that period of all the information which I have now read. The question I would ask is this, could the Government, knowing these facts, shut their eyes to the real state of things, or avoid seeing that in all human probability, if this country was not to become a party to the iniquitous partition of Turkey, which had been proposed, we should inevitably be involved in a war with Russia? I think I am justified in putting this alternative. Was that a moment, therefore, for a prudent and patriotic Minister, holding the high office of Chancellor of the Exchequer, to come down to this House with financial proposals, the real tendency of which was to weaken and impair those national resources that, under the circumstances in which the country was placed, it was his first and most imperative duty to guard with unparalleled jealousy? It was, however, at that moment that the right hon. Gentleman undertook a financial operation, which might, perhaps, have been well enough in a period of peace with an unclouded future, but which with war imminent and the future enshrouded in darkness could not fail to act as a serious drain upon the resources of the country. What has been the result of this operation? The balances in the Exchequer, which every prudent Minister retained against the occurrence of adverse contingencies, were altogether exhausted. In an annual paper put forth by the statistical department of the Board of Trade I find the balances of the Exchequer for the last twelve years. I pass over the years 1840, 1841, and 1842, because the country was only just then labouring under the effect of the alterations which had been made in her tariff, and struggling to emerge from the financial difficulties which they had created. What was the policy of Sir Robert Peel, the financial predecessor of the right hon. Gentleman? The balance of 1843 was the lowest in amount of these balances, because the country had only just begun to recover in its finances; but this and the other balances were as follows:—

1843	£4,716,000
1844	6,254,113
1845	8,452,090
1846	9,131,282
1847	8,457,691
1848	8,105,561
1849	9,748,539
1850	9,245,676
1851	8,381,637
1852	8,841,822

The latter was the amount when my right hon. Friend near me (Mr. Disraeli) resigned the office of Finance Minister of this country. At the commencement of this present year the right hon. Gentleman the Chancellor of the Exchequer had reduced the balance one-half—the amount in 1853 being 4,485,230*l*. I feel myself justified, therefore, in saying, as I have done on a former occasion, that this country is entering upon a war with an empty Exchequer, and that that is one of the main causes of the heavy tax which the right hon. Gentleman has imposed on the country. I will not, however, dwell longer on the subject of the financial operations to which I have adverted. This part of the subject was amply dealt with the other evening. It was severely, and, I am sorry to say, justly censured in a former discussion. I now propose to turn to the plan submitted by the right hon. Gentleman in the peace Budget, when he brought it forward under the circumstances to which I have alluded. I have a right to complain, and the country has a right to complain, that the war involves us in an obnoxious impost—that the income tax is to be doubled for the first part of the year—not that the people would object to any amount or kind of impost in the prosecution of a just war—but I am bound, in justice to the country, to maintain that this obnoxious impost ought not to have been reverted to if by any prudent course such a step could be obviated. The right hon. Gentleman had dealt with the finances of the country during the past year under circumstances which were not justifiable, and I am confident that if the House had known, and the country had known, what we know now, and Her Majesty's Government did know then—if we had known the state of the negotiations, and the almost certainty of coming war, we should not have passed the Budget of the right hon. Gentleman, or have allowed him to endanger the resources of the country to the extent he has done. I am always unwilling to embitter discussion by personal altercation, and no one is less disposed than I am to make personal imputations on a Gentleman for whom, whatever my political differences with him may be, I have always had private esteem. But I will appeal to the right hon. Gentleman himself to say whether the proposal made to us in the Budget of 1853 was perfectly fair and ingenuous under the circumstances in which it was made. The right hon. Gentleman came down to the House to ask us to renew the income tax for seven years. When he made the proposal he frankly avowed that the income tax as he proposed it was an unequal tax. He told us frankly there was one particular class in the country which was called upon to pay 9*d*. in the pound on property, while all other classes would only pay 7*d*. in the pound, but he accompanied this announcement with this proposal—he said, if you will adopt the income tax for seven years, I will only ask you for 7*d*. for the first two years, 6*d*. for the next two years, and 5*d*. for the remaining three years, after which the income tax will cease. I admit that when the right hon. Gentleman was asked whether the income tax would really expire at the end of seven years, he took very good care not to involve himself in his reply to any great extent. But certainly the House did not then know he had in his possession information, in virtue of which information, and as a natural result of that information, the income tax before twelve months were expired would be doubled. It was now fourteen pence in the pound. And I think the right hon. Gentleman will hardly deny, if the House knew the state of our foreign negotiations—known then to Ministers—that they would not so readily have fallen in with the proposition of the right hon. Gentleman, and given him an income tax for seven years on the faith of a proposition that the income tax was gradually to lessen, and in seven years should altogether expire. It would have been more candid, more generous, and more becoming his high personal character, if the right hon. Gentleman had frankly told us the state of European affairs, rather than to hold out a hope that the income tax would expire at any given period; and that if the necessity should arise—though he told us there was a difference between the amount paid by the land and that paid by other classes of property, the difference being somewhere about 22 per cent—to increase the tax, that its inequality should be remedied. The right hon. Gentleman will, I am sure, do this side of the House the justice to recollect, that although he had himself admitted that incomes derived from land and houses paid a much higher tax than other descriptions of income—a difference amounting, as he had just stated, to 22 per cent—and, although the agricultural class had long suffered under the injustice of paying upon the gross rent, while others paid only upon the net rent, yet they made no objection to going on with the tax upon the condition of having only to pay the income tax for the period which he proposed. But I will say, if the right hon. Gentleman was looking forward to increase the income tax, as he ought to have done, because affording the means to pay the expenses of the war, being aware that the income tax was always regarded as essentially a war tax, and if made a war tax the 7*d.* must be doubled, and as I think before many months have elapsed to be more than doubled, I say the country had a right to have the tax made an equal tax, and the right hon. Gentleman was bound to take one of two courses, either to make it a graduated tax or to say all classes paying the tax ought to be taxed alike, and no distinction to be drawn between the owner of real property and other property, but that the difference of 22 per cent shall be done away with, and all incomes contribute on the same footing. I will now advert to another part of the Budget of the right hon. Gentleman, in which I think he dealt not wisely, but improvidently, with the resources of the country, by repealing the duty on tea and remitting the duty on soap. The right hon. Gentleman has contended, and I have also heard it asserted out of doors, that although taxes to a large extent were taken off, yet the revenue did not suffer. But I do not think the right hon. Gentleman is in a position to urge that argument, although I have heard it urged, and cannot acknowledge the justice of it, because, with the prospect of war hanging over us, I think he was not justified in impairing and weakening the resources of the country. It appeared to me if it should become desirable to increase taxation, and adopt a succession tax, which Mr. Pitt always regarded as a war tax, the plan of the right hon. Gentleman ought to be to retain all the means of revenue in his possession, and which he was at perfect liberty to retain, and which a word to the House would have induced the House to support him in retaining. It appeared to me, if new imposts were required to support the burden of the war, that the country would rather have duties retained, however objectionable otherwise, than to have a further increase of the highly objectionable income tax. But what was the course of the right hon. Gentleman; it was rashly and unnecessarily to abandon the soap duties, which yielded a net revenue of 1,110,000*l.* This amount was completely thrown away, I think most improvidently and unnecessarily thrown away. I need not point out to the House how much more easy it is to retain productive branches of revenue, little complained of, than to revert to the income tax for increased supplies. With respect to the remission of the tea duties, the right hon. Gentleman, I find, has had another correspondence with his old friend the Birmingham clerk, who is at issue with the right hon. Gentleman, for he does not appear to agree in the right hon. Gentleman's statement of the comparative advantages of the remission of tea and soap duties set against the income tax, and who is still less satisfied now that he is called upon to pay an additional income tax. But this is not the light in which I am dealing with the question. The question is whether, with coming war, with an almost certainly coming war, it was wise for the right hon. Gentleman to tamper with the great and important items of revenue in this way? It only required firmness and candour on the part of the Chancellor of the Exchequer to have retained the soap duty and other imposts? It is true my right hon. Friend (Mr. Disraeli) dealt with the same items in his Budget; but at that time all was peace, and we were likely to remain at peace. And I say this with a feeling of pride. I say, that the overtures for the partition of Turkey were not made to the late Government—they were not made by the Emperor except to "his old friend of forty years' standing." I have some satisfaction in this fact, that we had no knowledge of the coming danger, and, therefore, the circumstances under which my right hon. Friend intended to deal with the tea duties were wholly different to those under which the right hon. Gentleman the Chancellor of the Exchequer proposed to deal with them. The tea duty was not a trifling item of revenue. The right hon. Gentleman says the amount of remission will be enormous; it would be, on a fair calculation of all circumstances, about 1,300,000*l.*—too much to expect the revenue would recover all at once. The right hon. Gentleman estimated the loss on the first year at 366,000*l.*, but that sum turned out to be 375,000*l.* The next year the loss was put at 510,000*l.*; the next, 454,000*l.*; the next, 604,000*l.*; making altogether a sum of 1,934,000*l.* The right hon. Gentleman then made calculations as to the effect of increased consumption and the cessation of effects from that cause at the end of four years. But then for four years—with the knowledge of almost inevitable war—the right hon. Gentleman was tampering with large items of revenue. The tea and soap duties produced together about 3,000,000*l.*, and it was this large amount the right hon. Gentleman was endangering. The calculation of loss on tea duties last year was not too sanguine, for instead of 366,000*l.* it amounted to 375,000*l.* Then comes the question whether, after parting with those large items of revenue at a moment of danger, when the country required all its resources to be at command, the right hon. Gentleman is in a position to say—" Although I lose these large items, I gained an equivalent, and did not hurt the revenue." I will now turn from the question of having parted with these large items of revenue at a moment of great public necessity, when it was almost certain that the country would require all her resources to be in the fullest possible vigour, to a question at which I have before glanced, namely, whether the right hon. Gentleman was in a position—admitting the argument, which I do not—to say that, although these large items were reduced, he had added others as an equivalent. I must again turn to the papers, and I beg to call the attention of the right hon. Gentleman the President of the Board of Trade to the part of the papers to which I am about to advert. It seems to me that there is an error in the figures. It seems to me, perhaps unintentionally, that the mode of stating these figures is hardly fair. At page 6 of the statistical extract there is given a tabular statement of the amount of taxes repealed or reduced, and the amount of taxes imposed in each year, from 1840 to 1853 inclusive. I ask the attention of the right hon. Gentleman the President of the Board of Trade to the entry for the year 1853. The entry for taxes repealed in that year amounts to 3,247,474*l.* That was the amount of taxes taken off by the Budget of last year; and on the other side were the taxes imposed, which were stated to amount to 3,356,383*l.*; showing by this paper that the taxes imposed exceeded the taxes reduced by about 100,000*l.* I wish also to state that I think the mode of making this entry is calculated to mislead the public. It is an annual paper, and therefore, as an annual paper, I contend it ought to convey to the public at once the figures as they bear upon the current year. The paper ought to convey to the public the effect of financial operations for specific periods. Now, is it right to enter the amount of the succession tax at 2,000,000*l.* in 1853, when the Chancellor of the Exchequer himself estimates that he shall be four years in receiving that amount? The right hon. Gentleman says he only expects 500,000*l.* in the current year. It is, therefore, misleading us to insert 2,000,000*l.* when 500,000*l.* only will be received. If it be desirable to show the effect of taxation, the amount ought to be entered in a different manner, and there ought to be something on the face of the paper to show that the 2,000,000*l.* stated to affect the revenue of 1854, was short of the amount by 1,500,000*l.* I now wish to call the attention of the right hon. Gentleman to the entry relating to the tea duties remitted, which is stated to be 915,877*l.* These figures appear to be erroneous. That certainly was not the loss of last year, for that was 375,000*l.* It certainly could not be the aggregate loss of last year and this year together, for that would be 885,000*l.* Certainly it was not the ultimate loss when the whole change was effected, for the Chancellor of the Exchequer put it down at nearly 2,000,000*l.* of money—he put it down at 1,934,000*l.* If I am in error, I shall be glad to be corrected. I am sorry to weary the House by going into these details; but, with the qualifications I have pointed out, I will ask the House to regard the actual financial result of the Chancellor of the Exchequer's remissions as applied to the present year, when we are about to embark in an unfortunate and too probably a protracted war. Instead of this paper showing that the succession tax had made up the deficiency, the actual result of the remissions is a sacrifice, in round numbers, of 1,300,000*l.* of the resources of the present year, and that at a time when it was most desirable to possess them. The right hon. Gentleman told us the other evening, when applied to on behalf of the communication with Dublin, that, just now, every farthing was precious. Why did he not think of this in 1853? Was it wise or constitutional to come forward with popular propositions?—why they were popular I will not stop to inquire. I expressed my opinion on them in the last Session, and since then my opinion has undergone neither change nor modification. Let me advert for an instant to the connection of my line of argument with what fell from the right hon. Gentleman on the subject of defraying the expenses of the coming war—namely, to make the revenue of the year meet the expenses of the year. I do not mean to say the right hon. Gentleman attempted to mislead the House with regard to the calls he might have to make upon us. He intimated his intention to double the income tax for six months, at the same time letting the House know the addition might be insufficient to cover the additional charges; of course, the amount of actual expense to the country must depend on the duration of the war. But what the right hon. Gentleman did not say—and while I subscribe to the justice of the principle to defray current expenses from current revenue, this being a sound principle so long as it can be adhered to without imposing intolerable burdens on the country—what he did not say was, that he foresaw a war. And this gives double force to what I have said with regard to his financial operations in 1853. I say most emphatically that Government must last year have foreseen the war. I do not believe you could collect a jury from any part of the kingdom who, after reading the papers I have referred to, could have hesitated to come to any conclusion but one—that war, humanly speaking, was a probability. Government, I say, must have foreseen war, knowing what they did, and with the information they had. Well, then, if the right hon. Gentleman wished—and he was right in wishing—to defray the expense of the war out of the revenue of the year, why did he waste the revenue—why did he part with the sum of 1,300,000*l.* from the revenue, which nobody asked him to give up? Why did he not reserve these impositions to swell the revenue, which even when thus swelled will, I fear, be found inadequate to defray the expenses of the war? Well, the right hon. Gentleman tells us, in addition to the principle mentioned, he intends to defray the expenses of the war out of direct taxation. The right hon. Gentleman feels that the career of last year is difficult to retrace; but if the expenses are to be met by direct taxation, let him remember the strain he is putting on the resources of the country—let him remember that by resorting to doubling the income tax, he is doubling a tax which is inquisitorial and oppressive, and which he even acknowledges is unjust. I say your prudent course would have been to have reserved the items you have so rashly parted with, and then you would have had a better chance of adding direct taxation to these items. You would have had a better chance of carrying out your principle—in which I say you are right—that of defraying charges from the revenue of the year. Sir, I thought it my duty to draw the attention of the House to the course taken by the Government, and to indicate the causes why the addition to an obnoxious tax has been laid on. I move no Amendment. I have no intention to resist the progress of the measure. In a few moments it will be imposed on the people, and I hope and believe, in the event of this unhappy war continuing, that the representatives of the people will continue to act with the same spirit they have evinced; and if so, they will, I am persuaded, represent the real feelings and desires of the people. If the present Government remain in their places to conduct the war, the country will support them without hesitation and with unanimity never exceeded, provided they conduct the war with energy and vigour; and God grant they may conduct it to victory; and the country will, I feel confident, not refuse to grant the sum that may be wanted, but rather, with unparalleled liberality, will give as large means as may be desired to effect this great object. But, then, I say to the Government, the people have a right to expect, in this solemn state of affairs, that you manage the finances prudently, and that you do not waste or impair the resources of the country for the sake of an ephemeral popularity, but that if you are obliged to call on the people to bear burdens they have hitherto willingly borne, at least those burdens be so imposed as to be equal and just.

MR. CARDWELL: Sir, I think it may be fairly asked what object my right hon. Friend who has just addressed us had in view in raising this discussion on the third reading of the Income Tax Bill. Certainly it was not to debate the subject of the income tax, or the propriety of raising the amount proposed by this Bill. The right hon. Gentleman entirely concurs in the opinion it expresses, and supports every one of the arguments that have been addressed to the House in support of it. What, then, was his object? It certainly was not to debate the Eastern question; for he told us, when he began to read extracts from the secret despatches, that there was nothing he so much desired to avoid as anything that could give rise to a debate on the Eastern question. And I pledge myself to the House that I will carry into effect the wishes of the right hon. Gentleman by avoiding to follow him into that subject; but I cannot help bringing one circumstance to the notice of the House, which I hope hereafter the right hon. Gentleman will bear in mind. The House and the country will learn from the assertion that has fallen from the right hon. Gentleman, that in the middle of April last, if it had been his duty to direct the financial policy of the country, and if at that period he had been in possession of those secret despatches of which Her Majesty's Government were then in possession, the right hon. Gentleman would have prepared his Budget, and have addressed the House, under the deep and settled conviction that there was then presented to the Crown of England a certain alternative. Again, towards the close of his speech, he adverted to it, and he said he could not too emphatically repeat his conviction that in the middle of April last, when my right hon. Friend the Chancellor of the Exchequer laid his Budget before the House, there was presented to the Crown of England an alternative, and that was—war on the one hand, or, on the other, being made a consenting party to the disgraceful partition of the dominions of an ally. When we do come to debate the Eastern question, and when the topic shall be urged, that this is an unnecessary war, which might have been averted by greater promptitude and greater vigour at an earlier period—namely, when the invasion of the Principalities took place—I hope my right hon. Friend will again emphatically declare his conviction that there was then presented to the Government the certain alternative either of dishonouring the Crown of England or of engaging in an inevitable war. The right hon. Gentleman said he had for his object to enforce upon the Government the duty and the necessity of a prudent financial administration. He said it was their duty to maintain the balances in the Exchequer unimpaired, and not to waste the resources of the country by giving a continued remission of taxes in obedience to a desire to court popularity. The right hon. Gentleman went on to say what would have been the nature of the Budget he should have proposed, if, with that knowledge of the secret correspondence, he had prepared the Budget of last year. I think we are much indebted to the right hon. Gentleman for the light he has thrown upon the subject. The right hon. Gentleman talks of courting popularity, and of making remissions in order to court popularity; but I should like those who pay the taxes of this country—I should like those who are subject to what the right hon. Gentleman is pleased to call the unequal burden of the income tax—to listen now to the speech which the right hon. Gentleman has made. It is not long since we were told that the unequal burden of the income tax rendered it necessary to diminish the burden in Schedule D, and to reduce it from 7*d.* to 5¼*d.*, in order to redress that inequality; but the right hon. Gentleman has learned such a lesson since, that he now speaks of the injustice the income tax imposed by calling nominally equal what he now says is, to the extent of 22 per cent, an unequal tax upon the holders of fixed property. That is an admission which we are indebted to the right hon. Gentleman for having made. Then the right hon. Gentleman said it was wrong to part with the duty upon tea, and that it was also wrong to part with the duty upon soap. I do not think the people of England will be of opinion that under the circumstances of last year it was wrong to part either with the duty upon tea or upon soap. I am quite sure that from the argument of the right hon. Gentleman they would draw a very strong confirmation of the propriety of that policy which by imposing the succession tax, has added a contribution of 2,000,000*l.* annually to the public Exchequer. The right hon. Gentleman has adverted to the circumstance of the total estimated amount of the sucession tax, *communibus annis*, having been inserted in the statistical abstract, instead of the fractional amount for the first year. All I can say on the subject is, that in future issues of the paper, the additional information shall, if necessary, be given in a note at the bottom of the page. But I want the House to take notice of this—that if the right hon. Gentleman had the management of the finances of this country, so far from reducing the burden of the income tax in Schedule D, he is of opinion that a certain class of the taxpayers of the country is injured by the income tax as it now stands to the extent of 22 per cent. I wish the House and the country to bear in mind that if it had depended upon the right hon. Gentleman, we should not have had the remission of the soap duty or the reduction of the duty on tea. But, said the right hon. Gentleman, "It only required firmness and candour on the part of the Chancellor of the Exchequer to have retained these taxes." Well, certainly, if my right hon. Friend, being anxious to retain the income tax, had come down to the House last year and alarmed them with greater apprehensions of war than he himself entertained, that might have been imputed as a want of candour. But by what stretch of imagination can it be supposed that a Chancellor of the Exchequer, who was desirous to retain a tax, would conceal from the House of Commons the magnitude of his apprehensions with respect to foreign affairs? But could my right hon. Friend so easily have retained any tax which he might have desired to keep? When he was pressed on the subject of the advertisement duty, the attorneys' certificate duty, and the duty on hops, did he always obtain that unanimous support in maintaining these imposts upon which the right hon. Gentleman opposite now tells us that he might have depended? How deep then must be the right hon. Gentleman's conviction of the certainty of war in April last, if it would have induced him—could he have then known the state of affairs—to refuse his vote on those occasions when he supported a remission of taxation; nay, it would even have induced him to withhold the boon which his own Government proposed to grant—the reduction of the duty on tea! But if he feels sure that his conviction of the certainty of war would have been so strong in April last—had he been in possession of the information in the hands of the Government—do not let him impute the war to anything that has passed since April last. [Sir JOHN PAKINGTON here made an observation which did not reach the gallery.] My impression is that the words were "certain alternative." ["No, no!"] Well, then, it is not so. But in that case what becomes of his argument against remitting these taxes? But, Sir, what can be the object of raising this discussion upon the third reading of the Income Tax Bill? If you say that the Exchequer should be replenished—and all your arguments are directed to show that the Exchequer is not now sufficiently full—why do you address these arguments to the House on a third reading of a Bill for imposing an additional income tax? The right hon. Gentleman referred to this return for the purpose of pointing out some minute alterations which he thinks should be made in one or two lines of that return. If he would appeal to the statistical history of the country contained in that return, he would find what a moral lesson that history gives—a lesson never so valuable as at a time like this, when all the nations of the world, and particularly the nation with which we are now drawn into collision, are examining the condition of this country. That history would have read the right hon. Gentleman an important lesson on the policy of making timely remissions of taxation, and upon the strength which they have imparted to this country. The right hon. Gentleman has said that, in deference to a desire for popularity, the revenue was improperly diminished last year. But the paper to which he has referred would have told him that, improvident as was the Budget of last year, although the succession tax did not produce 2,000,000*l.*, but only a small portion of that sum, and although the soap duty was wholly and the tea duty partially remitted, that, nevertheless, the balance of income over expenditure during the past year was 3,250,000*l.* The right hon. Gentleman is very learned as to the amount of the balances in the Exchequer, but he has not told the House of the reduction of debt which has taken place. This paper would have shown him that the total remission of debt in the course of last year was 8,500,000*l.*; and that, therefore, if the balances in the Exchequer have been reduced 4,000,000*l.*, there is a clear advantage of 4,000,000*l.* to the credit of the nation on that account. If he had looked to the Exchequer bills, he would have found that they are probably lower in amount than they have been during the present century. He would have found that, in spite of a harvest which compelled us to make almost unprecedented imports of grain, and in spite of the apprehensions of war, trade had been greatly on the increase. He would have found every evidence of growing prosperity and increasing strength, both for the purposes of peace and war. Then I think that it is certainly very instructive to the House to know, that if the right hon. Gentleman had been in power, with the knowledge which these despatches would have given him, he would not have pursued the policy which this House, in its wisdom—and that, too, with signal success—has thought proper to adopt. The right hon. Gentleman, in conclusion, adverted in terms of just commendation to the spirit in which the present exigency has been met on both sides of the House. I think it will be a circumstance of pride to this country, and of discouragement to its enemies, that we are in a position like that which is disclosed in this return, at the commencement of those hostilities which we all so much deplore. I think it will be a circumstance of satisfaction that we are enabled to meet, at all events, all the expenditure which the House has already thought it necessary to sanction, without the necessity of imposing fresh burdens, or of withholding from the great body of the people the remissions of taxation already given, or of adding to the pressure of the debt that has already been incurred. These are the circumstances under which, at the close of a long period of peace, happily improved for the prosperity and advantage of the country, we find ourselves plunged into war. As there is no Motion before the House, except the third reading of the Income Tax Bill, to which no Amendment has been moved, and as every succeeding argument of the right hon. Gentleman tended more strongly than its predecessor to show the necessity of replenishing the Exchequer, and therefore in agreeing to the Bill, I do not understand why the right hon. Gentleman should have thought it necessary, in giving his cordial concurrence to its principle and objects, to draw the House into a discussion upon the circumstances attending the Budget of a former year.

MR. MALINS said, that every point in the speech of the right hon. Baronet the Member for Droitwich (Sir J. Pakington) had remained unanswered by the right hon. Gentleman the President of the Board of Trade, and he could not, therefore, congratulate him on his defence. The right hon. Gentleman asked why those on that side of the House had thought proper to raise a discussion on the third reading of the Income Tax Bill. Had he forgot that the proposition to double the income tax for the first half of the year was, in fact, the whole Budget of the Government for the present Session, and that, therefore, if no discussion were raised on this Bill, it would in effect be to adopt the Budget without debate? No Amendment had been proposed, because of the determination of hon. Members on the Opposition side of the House not to impair the vigour of the Government by opposing any proposition they might make for the purpose of carrying on the war with success; but, at the same time, they heartily condemned the policy of the Government in taking off indirect taxes which nobody felt, in order to put on direct taxes which everybody would feel. The right hon. Gentleman was a disciple of the late Sir Robert Peel, and adhered to one part of that right hon. Baronet's scheme. Sir Robert Peel always stated that in imposing direct taxation the amount might be saved to the taxpayer by the remission of indirect taxes. The right hon. Gentleman was now about to double the income tax, and in doing so proposed no new remissions, but reminded them of those which had been made in the tea and soap duties last year. The right hon. Gentleman was mistaken if he supposed that if he doubled the income tax it would be any consolation to the great majority of taxpayers that a remission of 4*d*. in the pound had been made in the duty on tea, more especially when the Chancellor of the Exchequer had told them that though the duty had been reduced on soap and tea, neither soap nor tea were cheaper. If the right hon. Gentleman would make inquiry of persons acquainted with household affairs he would find a unanimous opinion that the relief by the remission of indirect taxes was, as an equivalent for the income tax, altogether imaginary. Last year when the finances were under discussion it was often stated that it was important the House should be made acquainted with the state of the Eastern question, and the answer was that the public service would suffer if the Government divulged what was going on. He thought that whatever might have been the inconveniences of divulging the negotiations that had been going on last year with regard to the Eastern question, the country would come to the conclusion that much greater inconveniences had arisen from keeping them secret, as, if the secret correspondence which had been placed on the table had been made public last April, the House would not have parted so readily with the sources of the income of the country. All that correspondence was concealed from the country, and the House was allowed to separate in August, after a statement from the noble Lord the Member for Tiverton (Viscount Palmerston) that there was every prospect of the dispute with Russia being speedily settled. The general opinion in this country was, that the war actually commenced when the Russians crossed the Pruth, on the 8th of June. The right hon. Gentleman the President of the Board of Trade said, that it was true that the balances in the Exchequer had been diminished, but that the public debt had also been diminished. The ground of complaint was, that the Government had been paying off a debt without having the money with which to pay it. Because the 3 per cents were at par, the right hon. Gentleman had come down with a proposal to pay off between 9,000,000*l*. and 10,000,000*l*.

of stock. Those stocks he had to pay at par, though the three per cents were now as low as 86. The right hon. Gentleman had ridiculed the idea of borrowing when the funds were at 90; but his (Mr. Malins) hon. Friend the Member for North Warwickshire (Mr. Spooner) warned him that he might have to borrow when the funds were at a lower amount. This bore out the proposition of his right hon. Friend (Sir J. Pakington) that the Government had taken an extremely short-sighted course, and the House would in future hesitate before they adopted a proposition for paying off the three per cents because they happened to be at par. He knew a society which held stock to the amount of 40,000*l.*, and last year they had to consider whether they would accept any of the proposals of the Chancellor of the Exchequer. They had prudently declined all his proposals, and said they would take their money, and the consequence was, that, on the 5th of April, they would receive 40,000*l.* cash, and at the end of a week become possessed of about 46,000*l.* stock, thus gaining 6,000*l.* by the right hon. Gentleman's proposition. It had been proved to the House that the result of those financial operations, if they had been carried into effect last week, would have cost the country 700,000*l.*, and that now they would cost the country 800,000*l.* Such was the lamentable failure of the right hon. Gentleman's first effort in finance! The success of future efforts of the right hon. Gentleman might, indeed, ultimately prove that he would be cheap to the country even at that price. At present, however, that was the price which they had had to pay for him. In answer to the taunt of the right hon. Gentleman who had last addressed the House, "Why do you renew these discusssions if you are not going to divide?" he (Mr. Malins) answered, that he renewed them because he desired to raise his voice, as he should continue to raise it so long as he had a seat in that House, against the proposition that this war could be carried on by means of direct taxation. He could have understood the right hon. Gentleman proposing to double the income tax if he had still belonged to the great Peel party, but he was at a loss to understand it, associated as he now was with the noble Lord the Member for London, the noble Lord the Member for Tiverton, and others who had over and over again denounced it as the most detestable and obnoxious tax that had ever been imposed upon the people of this country. These associations of men who had no opinion in common led to acting upon no opinion at all; and it was this constitution of the Government which had led to the war which they were now considering how we should pay for. He wished to ask the right hon. Gentleman, when he saw the three per cents still falling, railway shares reduced not less than 10 per cent, and every kind of property going down rapidly, whether he was still of opinion that the expense of the war could be defrayed by direct taxation raised from year to year? If he did, he ventured to warn the right hon. Gentleman that he had not deceived himself more when he had proposed to reduce the South Sea Annuities in 1853 than he was now deceiving himself in making this proposition. The right hon. Gentleman had admitted that the cost already incurred for the war amounted to 4,000,000*l.* If, in the first year, it should amount to 12,000,000*l.* or 14,000,000*l.*, how would the right hon. Gentleman raise that sum by direct taxation? There were limits to direct taxation, and the right hon. Gentleman must not suppose that he could go on indefinitely increasing direct taxes. It became the duty of the right hon. Gentleman the Chancellor of the Exchequer, both for the sake of the country and for the sake of his own reputation, to come to a distinct conclusion with respect to the mode in which he should levy the very great amount of taxation which, in the event of a prolonged contest with Russia, must be rendered inevitable. The right hon. Gentleman would find that the requisite amount of money for that contest could not be raised solely by means of direct taxation, and that he must have recourse, in order to meet the exigencies of the State, either to indirect taxation, or that he must raise the necessary supplies in the shape of a loan. Now, if they were going to carry on a war at the cost of several millions, he did not believe that it would be found possible, by means either of direct or indirect taxation, to procure an amount of money sufficient for the purpose. In that case the right hon. Gentleman must come forward in order to propose a loan, and he (Mr. Malins) for one could not see how such a proposition could fairly be maintained to be based upon injustice to posterity. The present generation were but the occupants of the hour; and if, by a great struggle, the interests of this country were to be permanently benefited, he did not understand why it was that those who were to reap the fruits of that struggle should not bear their share of expense which, in its prosecution, must be necessarily incurred. Upon the same principle that the proprietor of a particular estate made improvements upon that estate, and paid part of the expenses consequent upon those improvements, leaving the remaining portion to be defrayed by his successors, a nation was justified in taking the course to which he had referred, and which it was but too probable the Chancellor of the Exchequer would find it necessary finally to adopt. He hoped, therefore, that the right hon. Gentleman would take the question seriously into his consideration, and that he would take such steps with respect to it so as to prepare for their sanction a system of finance by which might be raised supplies adequate to the successful prosecution of a great contest, without, at the same time, pressing too heavily, and with too great a degree of inequality, upon the present as compared with succeeding generations. The right hon. Gentleman, in proposing to levy the money to meet the existing exigencies of the State by means of direct taxation, was making too great a demand upon the energy and the forbearance of the people. It was highly desirable that the mode in which the burdens which the coming struggle made it necessary that they should bear should not be levied in a shape which was unpopular. Now direct taxation, when carried to a great extent, must necessarily assume that shape. The tax-gatherer was regarded by the people as a most unwelcome visitor, and he thought the right hon. Gentleman would be acting wisely in refraining from pursuing a system of finance which must make a contest extremely unpopular, which it was so desirable we should prosecute with all the zeal and all the energy which it was possible to bring to bear upon it. He therefore trusted that the right hon. Gentleman would take these matters into consideration, and that the Session would not terminate before the House, acting upon an enlarged view of the subject, would settle a system of finance by which the war might be carried on without proving unduly burdensome, grinding, and oppressive, upon the present generation. If this were not done, but direct taxation were increased, those energies of the nation which now supported the Government might be destroyed, and the war become so unpopular that we might eventually be compelled to submit to an ignominious peace.

MR. LAING said, that two questions of a very different nature had been raised during the debate. The one referred to the financial system which ought to be adopted on the eve of a great war; the other was of a purely retrospective nature, as regarded the conduct of the Government at a former period. The retrospective question—which was one of no great importance at the present moment, except in a party point of view—had formed the great staple of the speeches delivered by hon. Members sitting on the Opposition side of the House. The speech of the right hon. Baronet (Sir J. Pakington) consisted of it almost entirely. For his own part, he attached much less importance to the second question than to the first, and it was to that solely that he intended to address himself. As regarded the past, he would simply say that, in his judgment, on the most dispassionate view he had been able to form on the correspondence that was before the House, he did not think the charge was justified against the Chancellor of the Exchequer, that he had acted with unjustifiable rashness, because, in April last, he did not foresee this war as an inevitable necessity, and because he then reduced the Budget for the year. The argument urged by the right hon. Baronet was, that there was then a clear alternative before the Government, and that their only choice lay between embarking in war or acceding to all the demands of the Emperor of Russia. But in his judgment there was a third supposition possible in the circumstances, namely, that the Emperor of Russia would do as he had done on previous occasions when similar overtures were made, and that he would, on finding this country opposed to his views, withdraw his pretensions and proceedings. However, that was purely a question of opinion, on which it seemed to him idle or impossible to enter, unless it were wished to renew those long discussions on the Eastern question, which had already occupied so much of the attention of the House. By far the more important question of the two was, that as to the means of raising money—the question of direct taxation or indirect. It was true that there had been no opposition to the Motion, but speeches had been repeatedly delivered on the other side of the House, the purport of which was to persuade the country that the income tax was so excessive and unpopular, that they ought not to submit to it, and that, in point of fact, the necessary funds for carrying on the war should be raised by some other means. He conceived it to be a question of vital importance to the country, whether, being embarked in the present war, it was to be followed by the additional calamity of retracing the commercial policy of the last ten years, and, step by step, undoing what had been done since 1842 in the remission of indirect taxation. In that view of the question, it did seem to him not unimportant that some of those representatives of commercial interests more peculiarly affected by the tax, who, like himself, had a very strong opinion that it was not so unpopular, should assert that opinion on the present occasion. The question of continuing the income tax was, at present, really very much in the same position as it was in 1842, when first brought forward. At that time the income tax was really submitted to as, and for the sake of, a reform in our financial position. It was not supposed by any one to be popular in itself, but it was thought infinitely less unpopular than that heavy indirect taxes should be imposed upon the necessaries of life, the great articles of consumption by the labouring classes, and the raw materials of commerce and manufactures. It was considered then, also, that a more considerable sum of money could be levied by a moderate amount of direct taxation than could be done if it were taken up by way of indirect taxation. Now, at the expiration of ten years from that period, they were precisely in the same position. They had now additional burdens to meet, and they must be met in one way or other, either by increasing the present income tax, or by retracing their steps, and imposing a great measure of indirect taxation. The question was, which of these courses was most advisable, and which would be most popular. He could say, without hesitation, that a return to the income tax would be much the more popular, and much the more advisable and beneficial. What did experience teach us with regard to the income tax during the last ten years? That it was a most excellent instrument for cheapening the necessaries of life for the labouring poor; and next, that it had enabled the Chancellor of the Exchequer to remit taxes which pressed heavily on the raw materials of those articles of manufacture which entered most largely into the consumption of this country. During the ten, from 1842 to 1852, in which the income tax had been in operation, the total remission of Customs duties on imports was 8,677,488*l.* The articles included under that head were cotton, timber, and a variety of articles of provision, which were of the greatest necessity to the comfort of the labouring classes. These taxes had proved to be serious impediments to the trade and commerce of this country. During the same period there had been a large remission of Excise duties, which affected the sanitary condition of the people or were restrictions on trade. That remission amounted to 3,762,000*l.* So that the result was this, that by levying during the last ten years an income tax of about 5,500,000*l.* taxes to the amount of 12,430,000*l.* had been remitted. And was the revenue a loser by the course that had been adopted? On the contrary, the revenue had gained enormously; for whilst the total average of the revenue during 1840, 1841, and 1842 was 47,539,188*l.*, it was now, at the end of ten years, 54,430,344*l.*, showing an increase of 6,891,156*l.* Previously to the introduction of the income tax, the expenditure of the country was greater than the revenue by 3,179,509*l.*; but the result was now very different, for we had a surplus revenue of 3,255,000*l.* And when hon. Gentlemen talked of the unpopularity of the income tax, they ought to be prepared to accept the alternative of retracing the steps taken during the last ten years, and reimposing the taxes which had been remitted, or of assenting to the course now proposed by the Chancellor of the Exchequer. He (Mr. Laing) felt perfectly certain of this, that nine of every ten of the intelligent men in this country would rather pay a large income tax than have the taxes which were taken off since the introduction of the income tax reimposed upon those articles which entered most largely into consumption in this country. He would venture to say that there was not one in ten of men of business and intelligence in this country who would not most cheerfully vote for an increased direct tax in preference to increased indirect taxation, so long as the honour of the country might require him to bear the burden. In 1842 this country, unhappily, was divided into many parties and factions. Chartism, especially, was then rife. There was a great deal of dissatisfaction with the aristocracy on the part of the middle and working classes. The two latter classes were disaffected towards the institutions of the country. But those differences had been happily removed. He believed that this country presented no more remarkable spectacle than that improved feeling which had grown up in this country during the last ten years among all classes. What could be more satisfactory than to see all classes in this country, from the highest to the lowest, on the eve of a great European war, cordially and loyally attached to the institutions of the country? And to what were we indebted for that great result? Mainly, he would maintain, to that great moral spectacle which the upper classes afforded to the middle and lower classes, of willingly submitting to direct taxation for the purpose of doing away with those unequal burdens which previously pressed upon the great mass of the labouring population. He believed that the people who paid the income tax were too wise to be led astray by that cry which some hon. Gentlemen on the Opposition benches wished to get up against it. The people who paid that tax were men who could weigh results well; and, unless the taxes that were proposed to be substituted for it were likely to be less objectionable, he was certain they would not assent to its removal. Hon. Gentlemen opposite, who alleged that there was an impatience on the part of the people of this country to bear taxation, were doing all they could to provoke the Russian Emperor to continue in his career of aggression and spoliation; for he would argue with himself, that a people who were impatient at taxation in ordinary times would not consent to be taxed to carry on a vigorous war against his injustice—he would conclude that we would not consent to bear the burden of bringing this war to an honourable conclusion. Now, for his (Mr. Laing's) part, he did not believe that there was such impatience in this country against taxation as some had represented. He believed that the people of this country had entered into this war deliberately—with no enthusiasm—with a calm consideration of the consequences. They had entered into it because they believed that it was absolutely necessary for the honour and interests of this country, and they believed that the best mode of prosecuting it with vigour and success was by submitting to an increased amount of direct taxation. He, therefore, believed that hon. Gentlemen on the Opposition benches, who thought of making political capital out of a clamour against the income tax, would find themselves grievously deceived.

MR. VANSITTART said, he thought it was grossly unfair and unjust to endeavour to persuade the House to levy a war tax entirely by direct taxation, on the plea that it was to direct taxation, and direct taxation alone, they owed the increase of the revenue which had lately taken place, and which, though it might in some degree be owing to the lightening the burdens of commerce, was also owing, in a much greater degree, to the ability and energy of our manufacturing population—to the energy and skill with which Englishmen had carried their commerce to every part of the world, and had recently discovered sources of wealth which up to that time no one in that House had dreamt of. He thought also that the hon. Gentleman who had just sat down, and the right hon. Member for Oxford (Mr. Cardwell) had made some very erroneous observations with reference to the state of the Eastern question. With respect to the correspondence which had been laid upon the table of the House, and to which reference had been made that evening, he should observe, that it must have placed clearly before the Government in April last the consideration that war was at least extremely probable. There was then undoubtedly a greater probability that war would take place than that peace could be preserved, and he could not help thinking that under those circumstances the Chancellor of the Exchequer had been incautiously and wantonly playing with the resources of the country in proposing the financial scheme which he had last Session submitted to the House. He maintained that if hon. Members who sat upon his (Mr. Vansittart's) side of the House were acquainted with one-tenth of the information which the papers to which he referred contained, there was not one of them who would not have repudiated the course which the right hon. Gentleman had asked them to sanction. He thought they would be doing quite right, and that though they did not mean to oppose the income tax, still there was ample ground for discussion, because if those who were now managing the financial affairs of the country had been guilty of a great lack of discretion when discretion was most required from them, it became the more incumbent upon that House now to impress upon them the necessity of caution, and, at the same time, the necessity of taking bold measures when boldness was required. He would add one more consideration. The sum which the right hon. Gentleman had, by his manœuvres of last year, lost to the nation, amounted at the present time to a sum considerably more than the increased sum which the right hon. Gentleman proposed to take from those who now received salaries between 100*l.* and 150*l.* a year. That was the class also which would feel the increase in the tax the most deeply, because the rise in the price of provisions had forced many of them to trench upon their income for the next quarter, and that evil would be felt by them still more, if there was a heavy pressure upon the money market. Under these circumstances, he considered that it required not only prudence but boldness in a Minister, and they all expected and hoped that, should the crisis in the money market come, the Minister would not hesitate or waver; that he would not wait to apply his remedy till the pressure had been converted into panic and thousands had been reduced to ruin, but that he would at once apply the remedy with a bold hand; and seeing that the right hon. Gentleman himself was mainly responsible for the present pressure by the manner in which he had thrown away so large a sum from the present uses of the country, he hoped he would now act with the more boldness and openness, and save the country from the consequence of his former rashness.

Mr. GREAVES said, that he wished to say a few words on the injudicious attempt which had been made by the Chancellor of the Exchequer to reduce the interest on Exchequer bills. The right hon. Gentleman perhaps thought, that because the premium was higher than the annual interest, it was an absurdity that the same rate of interest should be continued. This rule might apply to bills of exchange, but there was no analogy between bills of exchange and Exchequer bills, for the former were usually applied for temporary purposes, while the latter were often held to be ready upon any emergency which might arise. He must ask, was it expedient to reduce the interest on Exchequer bills at the time when the interest on bills of exchange was rising in the market? The experiment had failed, but they ought not to expect failures from the Chancellor of the Exchequer, who had the best possible means of information at his command. He (Mr. Greaves) believed that the right hon. Gentleman had expected that money would have been plentiful; and if the tide had continued to flow as the right hon. Gentleman had expected, he would have come into port on the crest of the wave, but he had now been left high and dry with his cargo of unconverted South Sea stock and unrenewed Exchequer bills.

Bill read 3°, and *passed.*

CONVENTUAL AND MONASTIC INSTITUTIONS—ADJOURNED DEBATE (SECOND NIGHT.)

Order read, for resuming Adjourned Debate on Question [28th March], "That the following Members be Members of the Select Committee on Conventual and Monastic Institutions."

Question again proposed.

Debate *resumed.*

Question put, and *agreed to.*

Motion made, and Question proposed, "That Mr. Thomas Chambers be one of the Members of the said Committee."

Mr. GOOLD said, he rose to move as an Amendment that the names of Mr. Thomas Chambers, the Marquess of Stafford, and Mr. Newdegate, be omitted, and that the names of Mr. Sotheron, Mr. Ker Seymer, and Lord Harry Vane be substituted. In thus moving the omission of the first name on the list of the Committee, it might appear that he was taking a very strong step, but he thought he could show that he had good and sufficient grounds for doing so. Before, however, going into that part of the question, he wished to say a few words of explanation with regard to the two classes of Members to whom his Amendment referred, namely, those to whom he objected and those whom he proposed to substitute. With regard to the first, he begged to disclaim any intention of personal disrespect or discourtesy in performing the unpleasant task, which he had undertaken only from a sense of duty. With regard to those whom he proposed to substitute, he owed them an apology for having used their names without consulting them, but he had done so advisedly, believing that it would be unpleasant to them to be asked to be substituted for other Members. He was well aware that this inquiry was felt by Roman Catholics to cast a stigma upon them as fathers and brothers, inasmuch as it implied that they had not the courage to rescue their relatives from the alleged cruelties to which they were subjected in convents, and it was a duty he owed to his constituents to object to the Committee. He would state the grounds on which he objected to the placing of the hon. and learned Member for Hertford on the Committee. He had no intention of reading any of the speeches of the hon. Member, either from *Hansard* or the *Record*, but he wished the House to judge the hon. and learned Member by his acts. He thought that as regarded the Committee generally, in order to satisfy the country, and in justice to those who must appear before it, that it should consist of men of standing, station, and repute, of moderate views—neither men of intense bigotry nor those who were in the habit of using scoffing and insulting language towards millions of their countrymen, and who were trading in publications which made indecent and violent attacks on a section of their fellow-citizens; but the Committee ought to be such an one as would command the respect of Roman Catholics both in this country and in Ireland. Let them look at the first act of the hon. and learned Member for Hertford, in this matter, last year. The hon. and learned Gentleman stated that his constituents were not aware that he was going to make such a Motion as he did. It would have been surprising if they had been, for his Motion was only for leave to bring in a Bill for the "recovery of personal liberty in certain cases," and no one could have imagined that there was concealed beneath that such a snake in the grass as the inspection of nunneries. The stratagem of the hon. and learned Gentleman succeeded, and he snatched a successful division on his Motion. But was that the spirit in which this question ought to be approached? Were the holiest and tenderest feelings of human nature to be trampled on, in order to afford the hon. and learned Gentleman a field whereon to display his adroitness in Parliamentary tactics? That alone ought to disqualify the hon. and learned Member to a place on the Committee. What was his next step? His proposed Bill having come to nothing last Session, this year he mended his hand, and went for a Committee of inquiry into the

> "Number and rate of increase of Conventual and Monastic Institutions in the United Kingdom, and the relation in which they stand to existing law."

That was a very specious and plausible notice. If the hon. and learned Member had confined himself to such a notice, the matter might have been arranged by the appointment of a Committee of legal gentlemen skilled in the English and canon law, and they might have settled the question of the relations in which those institutions stood to the law of England, and it would have been easy to have got a statistical account of their number and rate of increase. He (Mr. Goold) had made an arrangement with the hon. and learned Member to put a question to him as to whether it was proposed to give the Committee power to send for persons, papers, and records, which would have had the effect of bringing nuns and other monastic persons before the Committee; but when he rose to ask the question, the hon. and learned Member was not in his place, which was, he considered, a very uncandid and unfair proceeding. After the hon. and learned Member had carried his Motion for a Committee, a fortnight elapsed, and then he put a list of names of those of which it was to be composed in the notice book. There certainly never was such a list presented to the House before. It was quite a gem in its way. He would read it. The names were as follows:—Mr. Thomas Chambers, Mr. Walpole, Mr. Kinnaird, Mr. Horsfall, Mr. Shirley, the Marquess of Stafford, Mr. Fagan, Mr. Drummond, Mr. John Fitzgerald, Mr. Robert Phillimore, Mr. John Ball, Mr. Whiteside, Mr. Dunlop, Mr. Newdegate, and Mr. Napier. He put it to the fairness of the House whether it did not show a desire to strike a deadly blow against nuns and nunneries, a defiance of all decency, to put on the list eleven names out of fifteen which were those of Members of one way of thinking. The hon. and learned Gentleman, in his eagerness, did not act like a Crown prosecutor in England, but more like a Procureur du Roi in France, whose personal honour and credit are involved in his obtaining a conviction. Naturalists told us of a certain flat fish which had both its eyes on one side of its head, and, therefore, cannot see on both sides; and many worthy people were like that flat fish in looking at a Roman Catholic question, and, as regarded nunneries, could see no virtue or excellence in their inmates. They could only see that they were Roman Catholics, and, as such, that they ought to be molested. He thought he had made out a strong case for his Amendment. English Members could not tell how deeply the people of Ireland felt this Motion. They regarded the Committee as a sort of jury before which the most respectable Roman Catholic women of the country would have to stand as persons accused. He would appeal, then, to the House—they were going to empanel this jury; would they pack it? Let them remember, too, that if the hon. and learned Member for Hertford (Mr. T. Chambers) were a member of it he would be the foreman, and he would practically be the conductor of its proceedings. He did, therefore, regard him as a most objectionable person to be placed upon it, and he moved the Amendment, also, as the most emphatic mode he could devise of protesting against the appointment of the Committee altogether.

SIR JOHN FITZGERALD seconded the Amendment. He considered the present time was most unseasonable for the introduction of such a measure as that of the hon. and learned Member for Hertford. The only effect of such a measure, he believed, would be to excite again those religious differences which had for so long a time so unhappily distracted Ireland, but which were now, to a certain extent, stilled; and which, if not again imprudently excited, would, he believed, in the course of time, be entirely obliterated.

Amendment proposed to leave out the name of "Mr. Thomas Chambers," and insert the name of "Mr. Sotheron" instead thereof.

Question put, "That the name of 'Mr. Thomas Chambers' stand part of the Question."

The House *divided*:—Ayes 117; Noes 60: Majority 57.

Question, "That Mr. Thomas Chambers be one of the Members of the said Committee," put, and *agreed to.*

Motion made, and Question proposed, "That Mr. Walpole be one other Member of the said Committee."

MR. LUCAS said, he rose to move the Amendment of which he had given notice, namely, that the further nomination of the Committee be postponed for six months. He admitted that it was unusual to renew a discussion after the House had pronounced an opinion on the subject, but under the peculiar circumstances of the present case, he thought he was not unreasonable in pursuing the course he was following. There was a phrase applied to deliberative bodies sometimes, which, although at first it might appear offensive, yet also had a technical meaning—the phrase tyrant majorities. He believed the English House of Commons was freer than most deliberative bodies from tyranny of that kind, but still it did occasionally appear even there. He wanted the House to consider that it had never yet had a clear statement of the objects for which the Committee was to be appointed. Many statements had been made which were inconsistent with each other, but he defied any hon. Member to state what the functions of the Committee were to be when appointed. They had been told that it was not the intention that the Committee should examine the inmates of convents, but at the same time other Gentlemen had let fall expressions which were absolutely inconsistent with the adoption of any other course; and he thought this fact alone sufficiently justified him in asking the House to reconsider the decision which it had now twice given on the subject. The House had just voted the mover of these proceedings to be one of the Committee; at present he was the only Member, and it was to keep him in that distinguished prominence that he (Mr. Lucas) moved the present Amendment. The hon. and learned Member for Hertford the other night referred to a great deal of correspondence which he stated he had had with Roman Catholic gentlemen, laymen, and ladies, and said that the result of all former inquiries had been, not to confirm the original suspicions, but, so far from throwing light upon the subject, to enshroud the whole matter in utter darkness. But the present inquiry was to lead to a different result, and how could that be, unless the Committee collected evidence from the only quarters whence it could be derived? The hon. and learned Gentleman had stated the main objects of the inquiry to be to ascertain whether there existed any practice of imprisoning or transporting nuns, and also whether there was any secret, subtle, and sinister influence which undermined the liberties and drained away the property of the people. How could the hon. Gentleman obtain that knowledge otherwise than by taking the living testimony of those who dwelt in convents? They could not obtain that object without resorting to means which they themselves described as unmanly. The hon. Member for West Surrey (Mr. Drummond), whose name was proposed for nomination on this Committee, threw out to Roman Catholics the startling and bold challenge that he would undertake to prove particular instances in which superiors of convents had fraudulently deprived nuns of their property by exercising an undue influence over them. Now, he should like to know how it was possible. Specific charges of this kind could not be inquired into by a Committee unless it actually summoned before it ladies who were inmates of these establishments, and forced them to give an account of transactions within the building, or at least give them an opportunity of defending themselves. The very nature of the discussion implied their personal appearance before the Committee; in fact, there was no other alternative, and though the two hon. Members he had alluded to disclaimed any intention of forcibly calling them as witnesses, yet, without their evidence, the inquiry would end in no rational conclusion. He, therefore, thought he was justified, and that every Roman Catholic Member, as well as every other Member of that House who was not led away by feelings of fanaticism and bigotry, were justified in calling on the House, even after its two previous decisions, to reconsider the course it had entered upon, especially when that course would not lead to anything creditable to itself. The hon. and more serious Member for North Warwickshire (Mr. Newdegate) also made a specific charge. He pledged himself to prove that there were convents or monasteries in the country so built as to contain cells which were places of incarceration. How did he mean to ascertain that fact before a Committee sitting upstairs, without taking the evidence of the female inmates which he had disclaimed availing himself of? In the same manner the noble Lord the Member for North Northumberland (Lord Lovaine), who did not wish to enter into any vexatious inquiry, but whose desire was to inquire into the circumstances and property of each convent which came before the Committee, and to learn all about the mode of life of its inmates, would find it impossible to obtain that information unless he adopted this course, which was denounced as unmanly. He was not going to object to the appointment of the Committee on many of the grounds which had been advanced, wishing to narrow the question as much as possible; and he agreed with what fell from the noble Lord the Member for the City of London (Lord J. Russell) that, if abuses were really to be inquired into, whether it were a time of war or peace, such abuses ought to be investigated, and, if possible, remedied, but he contended that, in the present instance, there was no case for investigation. He and those who thought with him treated this as a matter in which feelings of bigotry and fanaticism were to be indulged, and in which no other object was sought by inquiry than that species of entertainment which created such a lively satisfaction in certain minds; and, therefore, they asked the House not to postpone a proper and legitimate investigation, but to postpone the gratification of those morbid feelings to a period when they might be more harmlessly indulged. He would not allude to the feelings of outraged honour, and the sentiments of indignation which this unnecessary and uncalled-for proceeding was certain to excite; for, if there had been any cause for such an inquiry, it would be their duty to discard all such considerations. The hon. and learned Member for Hertford said that all other institutions of a public nature were subject to inquiry from time to time, and that there was no reason why convents should be excepted from the general rule. What was the position in this respect of other institutions? The cases adduced were factories, lunatic asylums, mines, and collieries. The Legislature, however, had never laid down any rule that an institution, merely because it answered a particular description, should become the subject of inquiry and investigation. Had the Legislature ever laid down the rule that institutions should be examined because they were of a particular description? He ventured to give a direct negative to any such proposition; for the simple and tangible reason of the inquiries that had been made was, because abuses were known to exist in them, and it was into those abuses the inquiry took place, and not upon the abstract principle that, because they were institutions of a particular kind, an inquiry should be made. The Legislature had been dealing with factories for a long course of years, the facts were patent to the whole world; and who was it, he asked, who first mooted the subject, and led to those investigations which resulted in the various Acts passed to regulate them? Those parties were the inhabitants of Manchester; and the medical men who, dealing with the facts constantly, formed a society for the purpose of correcting certain evils of which they had knowledge; they brought under the notice of the Legislature the effect of the evil management upon the children and young persons employed in factories, and the amount of pestilence and disease throughout the localities in which they resided; and one of the very first persons to take steps in the matter was Sir Robert Peel, the father of the late lamented statesman. He drew from his own knowledge of the evils which existed, and an overwhelming amount of evidence was brought before the

House, before legislative interference took place. There never had been a case of suspicion laid before that House which could lead them to make this inquiry. On all other subjects there had always been some facts alleged, proved, and brought before the House, before they had been asked to make any inquiry, as, for instance, in the case of lunatic asylums, and also when the Earl of Shaftesbury brought his proposition before the House for fresh legislation upon the subject of the labour of children in mines and collieries. In these cases parties were not considered justified in asking for legislative interference until they could produce a great body of facts. In the present case they had no facts; they did not pretend to possess any evidence; they had nothing but their unworthy suspicions and their intolerable fanaticism, the disease of their own minds, to offer to the House in support of their demand. They had the most monstrous stories, but year by year they had decreased; and, from the period the discussion on this subject first began to the present time, each year had become more barren of facts. On what ground that had ever been recognised before in the history of legislative interference in this country, could the hon. and learned Member for Hertford call on the House to name this most portentous Committee to inquire into the laws and rules of monasteries and convents? He said it was for an inquiry into the state of the law. But what law, what rule, regulation, or arrangement, did he wish to inquire into? With regard to the rules which had been adopted by convents, there was no investigation to make. There had been no rule made by them which was not in strict accordance with the law of the land, and no hon. Member had attempted to show the least presumption or suspicion that it was otherwise. He would assert that there was no power known to monasteries or convents which allowed them to enforce incarceration; and there was no rule, law, or regulation, with which he was acquainted, which allowed the will of any inmate to be forced to act against her will in the disposal of her property. With all their intense hatred for those institutions, hon. Members had never shown any rule to the contrary. The law of convents and the law of the land were identical; and if there were any need for inquiry at all, it might as well issue from the Ecclesiastical Courts as from that House. Hon. Members had referred to supposed abuses, but where was the evidence in support of them, for none had been produced? If they had a case at all, it must lie in the possibility that the law of the land and of convents had been outraged together; but then, he would again ask, where were the facts? Where do they exist? Where were the influences over the will in the disposal of property for which the law, as it at present existed, was not sufficient? There were none stated. With regard to that part of the inquiry which concerned monasteries, it deserved much more consideration than it had received. By a clause in the Catholic Emancipation Act, monasteries inhabited by men had been made illegal. But still they existed, and they would continue to exist. What did hon. Members propose to do with them? Those illegalities existed because they were found to be necessary. If hon. Members were possessed with a spirit of justice, he would welcome the Committee of inquiry into monasteries, for he (Mr. Lucas) would state frankly that the present state of things connected with them was not satisfactory to his mind. But hon. Members were entering into the inquiry with a hostile spirit, because they wished to destroy those establishments, and because they wished to enter into a crusade against millions of their Catholic fellow-countrymen. But in those objects they would be defeated. The Catholic millions of this country were prepared to stand upon their rights of religious freedom, whatever the law might say, or whatever the Legislature might do to prevent them. If they attempted to make the laws more stringent—if they put them in force against the religious convictions and against the religious feelings of the Catholics, they would accept the challenge, and abide by the conflict. But it was said, "If so pure in your acts, why not let the inquiry take place?" If any case had been made against any particular establishment or house, he would say, let it take place; but, he would repeat, they had only cases of suspicion, and no evidence whatever to support them. The only cause for inquiry arose from the intense hatred they nourished in their hearts, and from the possession of a fanatical spirit of hostility against the Catholic establishments and institutions; and if the voice of an angel spoke to them, or if one arose from the dead, and endeavoured to convert hon. Members, still it would be insufficient to convince them of their error. If this were the single subject which they would inquire into, it might, perhaps, be granted; but it was not. It was only one of many points on which it was the intention of hon. Members to assail the Catholics, and deny their right to be equal in the eye of the law. If they conceded that point to hon. Members, then next year another point would be demanded. On that ground, therefore, he would oppose to the utmost the present inquiry. Until their minds had undergone a total change, there would be hostility in some form. What use, then, of concession, since concession would only lead to fresh demands? If the Catholic Members believed the proposal was made upon any grounds, or even upon reasonable suspicion—if they believed that the minds of those who promoted the inquiry were open to evidence, and would be influenced by evidence, then they might listen to the proposal; but knowing that their object was nothing less than the total destruction of all Catholic institutions by the power of law, if such power should unfortunately come into their hands, he was determined to move the Amendment on the paper.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the further nomination of the said Committee be proceeded with upon this day six months,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. D. O'CONNELL said, he felt that he should not be doing his duty to his constituents if he did not take the opportunity, on the first occasion of his addressing the House, to state the reasons which induced him to vote in favour of the Amendment of the hon. Member for Meath (Mr. Lucas). He felt opposed to the appointment of the Committee, because he believed it to be a step uncalled for, unnecessary, and insulting, and one which, if carried into execution, would be likely to lead to results of a painful and disastrous nature. The hon. and learned Member for Hertford had not brought forward any cases showing that the proposed inquiry was necessary, although the hon. and learned Gentleman had certainly said that he would be enabled to bring some cases before the Committee. He (Mr. O'Connell) thought, however, that if the hon. and learned Gentleman had been acquainted with such cases, he would have mentioned them when he introduced his Motion to the House. He (Mr. O'Connell) could say for himself, that he had never heard of any cases of the kind, nor did he think they were known to any Catholic Members, and he could not admit that the hon. and learned Member for Hertford understood the wants of Catholics better than they did themselves. He would put it to the House whether they thought it likely that Catholics would allow their relatives to enter convents, if they were subjected in such establishments to the tyrannical treatment which some hon. Gentlemen had described? He believed that the appointment of this Committee would be regarded as a great insult to their religion by the Catholics who had recently gone forth to fight the battles of their country. He did not mean to say that the loyalty of the Irish could be affected, for their loyalty was proof against anything; but, when they were doing their utmost to show their loyalty, he thought it was, to say the least, injudicious to offer them an unnecessary insult. Supposing this Committee should be appointed, who were to be examined as witnesses? If they examined Catholics, they would hear nothing more than they already knew. Was it intended to call as witnesses the ladies who were inmates of convents? If that were done, he believed they would have nothing to prove; but, even if they could prove anything, how was it possible to make them do so? Assuming that there was to be some legislation on this subject, he supposed he might conclude, after the Bill which the hon. and learned Member for Hertford brought forward last year, that it would be proposed to appoint inspectors to make periodical visits to convents and nunneries. Now he could conceive of no measure which would be more disastrous in its consequences. If local inspectors were to be appointed, the duty might in some instances be entrusted to persons of strong political and religious opinions, who would delight in the opportunity of visiting Roman Catholic institutions; while, on the other hand, supposing it was to be a Government inspection, although the business might be done in a delicate and judicious manner, still it must be recollected that the cells of convents were the private rooms of ladies, whose privacy their friends were bound to protect. He asked any Gentleman in that House if he would allow a Government inspector to go into his house and put impertinent questions to the ladies of his family. He believed, moreover, that the inspection of convents would be resisted by the Roman Catholic population of Ireland. He did not make that statement as a threat—far from it; he only mentioned a fact, and he appealed to the common sense and justice of that House if it would be wise to employ the military and police force in carrying out a law which would be most obnoxious to a vast majority of the people of Ireland. For the reasons he had given he should give his vote for the Amendment of the hon. Member for Meath.

Mr. MASSEY said, that inasmuch as the House had decided upon two separate occasions to prosecute this inquiry, he should not be a party to any Motion which would have for its object the obstruction of such an investigation; and therefore on that ground he could not assent to the proposition of the hon. Member for Meath. But he apprehended the House would be cautious in the mode in which the inquiry was to be conducted. This was a question of great delicacy, and one which called for the utmost circumspection on the part of the House in every step which might be taken. It was viewed with extreme hostility and irritation by the Roman Catholics, and therefore care should be taken, in the appointment of the Committee, to nominate Gentlemen who were not committed to extreme, or, if possible, to any, opinions upon the subject. Now, he would just ask the House whether the Committee, as proposed by the hon. and learned Member for Hertford, complied with those conditions? He had gone through the names upon the list very carefully, and he found that at least seven or eight of them had committed themeslves to very strong opinions with reference to Roman Catholic institutions, not merely opinions to the effect that an inquiry should be instituted into the nature and constitution of those establishments, but opinions absolutely antagonistic to the institutions themselves. He thought it would not be proper to send any of those Gentlemen upstairs to prosecute this inquiry; indeed, he would say that the very circumstance of those Gentlemen having expressed strong opinions upon the subject was in itself a disqualification to serve upon the Committee. The first name upon the list was that of the hon. and learned Mover of the Committee, who had been objected to by some of the Irish Members. Now, he felt that he could not vote against the nomination of that Gentleman, because it was the invariable rule of the House that the Mover of a Committee should himself be a Member of that Committee. He was supposed to possess information upon the subject to be inquired into; however strong his feelings might be, he was expected to keep them under control; and therefore no objection could fairly be taken to the name of the hon. and learned Member for Hertford. The case was different, however, with regard to some of the other names. Second upon the list was the name of the right hon. Gentleman the Member for Midhurst (Mr. Walpole). Now, they all knew that that Gentleman was a most eminent and distinguished advocate of what he might be allowed to call strong Protestant opinions, and that he had expressed himself strongly upon the subject of nunneries and monastic institutions. It would have been as well, therefore, he thought, if he had not been nominated on the Committee. The next name he found was that of the hon. Member for West Surrey (Mr. Drummond), who certainly had expressed many strong and singular sentiments, both within and without the walls of that House, with regard to Roman Catholic institutions. He consequently should think that that Gentleman was one of the least eligible to be placed upon the proposed Committee. The third name was that of the hon. Member for Perth (Mr. Kinnaird), a Gentleman who had honourably distinguished himself, though some of his opinions might be erroneous, in the cause of religious liberty, but who had also expressed very strong sentiments upon this particular subject, and who was therefore, he considered, not a fit person to be chosen as a Member of the Committee. He next found the name of the hon. Member for Greenock (Mr. Dunlop), who, upon the very last occasion when this subject was discussed in that House, certainly expressed himself in very strong terms in favour of the Motion of the hon. and learned Member for Hertford. Next came the younger of the two hon. Members for North Warwickshire (Mr. Newdegate) of whom he need say no more than that he was, upon every occasion and in all respects, a conscientious opponent of Gentlemen of the Roman Catholic persuasion. Then they had the name of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), who had likewise expressed strong opinions upon this subject. It would be impossible to speak of that

Gentleman without the utmost respect and regard, but he had certainly expressed and was known to entertain very strong and conscientious feelings upon sectarian subjects, and, therefore, he certainly was not a person who was qualified to exercise an impartial judgment upon this matter. He now came to the names of Gentlemen upon the other side of the question. He found upon the list the names of four hon. Gentlemen, Members of the Roman Catholic persuasion, who under no circumstances whatever would listen to the prosecution of the proposed inquiry. The first was the name of the hon. and learned Member for Dundalk (Mr. Bowyer) who had himself actually moved that the inquiry should be put an end to, and who, therefore, could not be expected to serve upon the Committee.

MR. T. CHAMBERS: All the Roman Catholic Members have agreed to sit upon the Committee.

MR. MASSEY said, that was no reason why the House should consent to allow them to serve. It was for the House to consider to whom they should entrust so important and delicate an inquiry, and he hoped they would appoint none but Gentlemen of moderate opinions, and such as would be able to pursue the investigation in that cautious and temperate manner in which it ought to be conducted. He objected to the name of the hon. and learned Member for Dundalk altogether, as also that of the noble Lord the Member for Arundel (Lord E. Howard), who had also expressed very strong opinions upon this subject. Then came the name of the noble Lord the Member for the county of Sutherland (the Marquess of Stafford). He did not know what the feelings of that noble Lord might be, but as the Gentlemen who represented the northern part of the kingdom were generally hostile to the Roman Catholic Church, it was probable the noble Lord shared in the same opinions; and at all events, considering that this was a subject of extreme difficulty and of the utmost delicacy, and that it would require to be dealt with by the most experienced and the most judicious men in that House, he did not think it would be proper or becoming to place one of the youngest Members of the House upon the Committee. He also objected to the name of the hon. Member for the city of Cork (Mr. Fagan). But really he had found fault with so many, that he had scarcely left one name upon the list. He had no objection, however, to the name of the hon. Member for Carlow County (Mr. J. Ball), a Gentleman on whose judgment and discretion the House could rely with safety, or to that of the hon. and learned Member for Tavistock (Mr. R. J. Phillimore), a Gentleman of that moderation and good sense that he would be an acquisition to any Committee. If the names of the other Gentlemen to whom he had referred were put to the vote, he would be obliged, notwithstanding his desire to throw no obstacle in the way, to move their omission, because he was convinced the House would not or should not be satisfied with the Report of a Committee composed of Gentlemen committed to one side or other of this most important and painful question. He thought it would be difficult, but he hoped it would not be impossible, to select Gentlemen who had not so committed themselves, and who would be prepared to conduct the inquiry calmly and dispassionately, and to make such a Report as would enable the House to deal effectively with the matter. He distinctly disclaimed any desire to contravene the expressed wishes of the House, but he could not agree to the Committee as proposed by the hon. and learned Member for Hertford, because he did not think it would be calculated to enter upon the contemplated inquiry with a spirit of moderation and impartiality, or to pursue it in such a manner as would enable the House, either with propriety or with safety, to proceed to legislate upon the subject.

MR. SPOONER said, he would not follow the hon. and learned Member who had just sat down (Mr. Massey) through all his observations, but there was one expression he had made use of which was rather singular. He said he did not wish to contravene the wishes of the House, and yet he had made his objections so large and general that he (Mr. Spooner) could not conceive how he could form a Committee that would not fall under some of the hon. and learned Member's animadversions. The hon. Member for Meath (Mr. Lucas) spoke of the tyrant majority, but he (Mr. Spooner) might speak of the tyrant minority, which was a term applicable to those who, in spite of the divisions that had taken place, were determined to do what they could to prevent the House carrying out its resolutions. The hon. Member for Meath had also alluded to the absence of the hon. Member for West Surrey (Mr. Drummond), and taunted him with not having laid any ground for this inquiry. That hon. Member had documents in his possession which would convince any Committee that there was a system rife of enticing young people into convents, and using moral influence over them for the purpose of obtaining possession of their property. The supporters of the Motion had not the slightest intention of dragging the inmates of convents before a Committee. There was evidence quite enough without that. There were the records of the courts of justice, facts to be brought before the Committee that would convince any honourable-minded man that there was a system of moral influence used to get the property of others for the purpose of increasing the secular power of the Roman Catholic Church. The hon. Member said they would defy the Legislature, and that they were determined to resist, and he warned the House of the dangerous consequences that would ensue if they proceeded with this inquiry. Did the hon. Member think the House was to be so intimidated? He would find that he was very much mistaken. And if he thought the country was to be so intimidated he was greatly mistaken. If the hon. Gentleman's observations went forth to the public through the usual channels, they would arouse a spirit which he apprehended the Roman Catholics would have great reason to fear. The supporters of this question would not desist from the object they had in view by any threats the hon. Member might utter. However the tyrant minority on this question might succeed in obstructing for a time, they would assuredly be ultimately defeated.

Mr. J. BALL said, he thought it would be difficult to carry out this inquiry unless there were on the Committee a fair representation of what might be deemed the strong views of both sides of the House. But the House was bound by every feeling of justice to see that this inquiry, if entered upon at all, was conducted with some decent regard to impartiality and justice. When the hon. and learned Member for Hertford first proposed his Committee, out of fifteen Members eleven were strongly opposed to the existence of these establishments. At present the hon. and learned Member was satisfied to have eight hon. Members pledged to the same views as himself. Notwithstanding the votes which the House had come to, he did not believe that the House would seriously undertake such an inquiry as this with what he could describe as nothing less than a packed Committee. He had recommended, when the hon. and learned Member did him the honour to consult him on the subject, as the fairest tribunal for considering this question, a Committee composed of five Members who were hostile to conventual establishments, five who were favourable to them, and five fair and honourable men who had not committed themselves upon either side, and who would go into the inquiry with unprejudiced minds. He hoped that hon. Members opposite, even upon the question of convents, were prepared to act with fairness and justice.

Mr. KINNAIRD said, he thought the principle enunciated by the hon. and learned Member for Newport (Mr. Massey) as to the composition of Committees was a most extraordinary one. He denied having expressed any strong opinions on this subject, in the House or out of it. He was quite in the hands of the House. He had his opinions, but he approached the subject with the utmost impartiality.

Mr. GOOLD said, he had thought the name of the hon. Member objectionable, because he had seen his name among the managing members of the Protestant Alliance—a body who were engaged in distributing tracts against the Roman Catholic religion. He had seen publications issued by this body which contained pictures of persons kissing the Pope's toe, and were otherwise calculated to throw ridicule upon, and were likely to irritate Members professing the Roman Catholic religion. To be one of the managing committee of such a body argued a certain amount of prejudice, and rendered the hon. Member, in his opinion, unfit to take his place as a juror to inquire into the guilt or innocence of the nuns and convents of the Church of Rome.

Mr. VINCENT SCULLY said, that the speech of the hon. Member for Perth (Mr. Kinnaird) was characteristic of the whole of this proceeding. That hon. Member had represented himself to that House as quite unbiassed on the subject of nunneries, and well qualified to sit as an impartial judge of conventual institutions. But from the hon. Gentleman's silence when charged by the hon. Member for Limerick (Mr. Goold) with being one of the managing committee of the notorious Protestant Alliance, it now appeared that he was an active member of that bigoted body. It was clear, therefore, that he was now coming forward like a wolf in sheep's clothing, by endeavouring to pass himself off for a liberal Member, and to persuade them that he was a proper person to be selected as an unprejudiced juryman. He would call the attention of the House to a pamphlet which had issued from the shop of that hon. Gentleman. It was one of those infamous tracts, filled with deliberate calumnies, which had been disseminated by the Protestant Alliance for the sole purpose of prejudicing the public mind against Catholics and their religion. This pamphlet professed to be on the nunnery question, and had been thrust into his hands as an Irish Catholic Member, in pursuance, as he presumed, of an offensive practice recently sanctioned by high authority in Ireland. It was compiled by the Secretary of the Protestant Alliance, a London barrister, named John Macgregor, notorious for a letter published some years since, containing infamous reflections upon the Catholic clergy of Maynooth, which he had visited upon a private introduction to one of its most accomplished professors, Dr. Russell. In that pamphlet were reiterated those vile untruths, which the noble Lord the Member for London (Lord John Russell) had truly designated "cock-and-bull stories," but upon which alone the proposed inquiry was attempted to be based. It repeated the scandalous anecdote narrated in another place by the Protestant Archbishop of Dublin, but which that dignitary had shrunk from substantiating when challenged to do so by the Rev. Mr. Marshall, of Dublin. It reiterated also the old woman's story told by the Bishop of Norwich, as to a Roman Catholic mother, whom that right rev. Prelate had encountered in a morning's stroll across Phœnix Park, but of whose name he had professed an entire ignorance. The hon. Member for Perth had placed himself in convenient juxtaposition, and was an apt bottle-holder to the hon. and learned Member for Hertford (Mr. T. Chambers), whom a majority of the House had just selected as an impartial judge; but who, as it appeared from the pamphlet, had already committed himself to the opinions that—

> "Conventual buildings are uniformly bolted, barred, and grated like prisons. Internally, he believed, there were not only cells, but dungeons. Nothing, therefore, would make the public believe that those buildings were erected for contented and happy inmates, but rather for keeping them there when entrapped."

The same pamphlet attributed statements even more shocking to another hon. Member (Mr. Drummond), whose name likewise appeared among those proposed, as an unbiassed judge upon the contemplated inquiry. One of the opinions thus attributed to that hon. Member, was conveyed in these most revolting terms:—

> "As to the nuns, they are in a state of continual strife among each other, and the crimes committed among the ladies who are boarders are too shocking to mention."

The pamphlet contained a variety of other scandalous matter, with which he would not trouble the House. It attributed to other proposed Members of the Committee, such as the junior Member for North Warwickshire (Mr. Newdegate), preconceived views, which should absolutely disqualify them from acting as impartial judges, and among other atrocious calumnies asserted, on the authority of a Protestant clergyman, the Rev. W. G. Cookesley, that—

> "One of the most remarkable, if not the most formidable, agents made use of in subduing the understanding and whole beings of the sisters is mesmerism."

What right had hon. Members to put forward, either in or out of that House, such infamous statements or stories which were quite incapable of any semblance of proof, and which every Catholic Member declared to be utterly false? He had himself often heard a most extraordinary anecdote or report respecting a religious practice currently attributed to the hon. Member for West Surrey (Mr. Drummond), but should refrain from mentioning it, because he did not at present see that hon. Gentleman in the House. He had also frequently heard a queer statement regarding the prime mover of this inquiry (Mr. T. Chambers), which, if true, would not merely disqualify him from acting on the proposed Committee, but even from having a seat in the House. The statement was that the hon. and learned Member belonged to some peculiar sect, of which he was a sort of clergyman, and that on every Sunday evening he preached a sermon to his congregation at Hertford, in a chapel there. Were he to follow the example of the Protestant Alliance, and of the hon. Gentleman (Mr. Kinnaird), he ought to believe the truth of this curious rumour, and argue upon it as a proved fact, although he knew nothing respecting the truth or untruth of the story, except that it could not possibly be more false than those which the hon. Member had propagated respecting Catholic convents. Should the hon. and learned Member (Mr. T. Chambers) now deny that story condemning him, he would at once believe the denial; and he expected, as a Catholic Member, to obtain equal credence when he positively denied that any of those idle tales about the nunneries of these countries had one atom of foundation in solid truth. But if English Members of the House would not accept as conclusive proof his individual assertion as an Irish gentleman, perhaps they would not disbelieve the emphatic declaration made last year by all the Catholic Peers and Baronets of England, and many other members of the first Catholic families in this country. Among other matters that document stated that—

> "The undersigned, having sisters, daughters, or near relatives, in convents in this country, and maintaining with them a constant intercourse, by themselves and the female members of their families, most of whom received their education, and still frequently reside therein, are perfectly acquainted with the habits, discipline, and mode of life pursued in convents, and are enabled to deny, as they do hereby deny, that any person is imprisoned in them, or that any physical impediment exists to prevent any inmate from quitting them who may be minded so to do.
>
> "The undersigned declare, that it is morally impossible that cases of unlawful imprisonment or physical restraints on liberty should exist in convents, without the fact being known to them and to their families. Therefore, that any assumption of the existence of such cases directly inculpates them as neglectful of their first duties as men and Christians, and as participators in the wrongful detention of those whom, by every tie of kindred and honour, they are called on to protect.
>
> "And, therefore, that the present proceeding, by countenancing the false and injurious suppositions of ignorant and prejudiced persons that inmates of convents are subjected to unlawful imprisonment, is a libellous insult to the ladies in question, to their families, and to the undersigned."

When the hon. and learned Gentleman (Mr. Chambers) had spoken to him upon the subject, he informed him in private, what he now repeated in public, that he regarded the mere proposal of such an inquiry by any Protestant Member as a piece of impertinent intermeddling, and a personal insult to himself and the other Catholic Gentlemen in that House. It was tantamount to asserting that he and they would continue passive and quiescent under wrongs done to their female relatives. He had near relations—aunts, sisters, and daughters—at present in convents in Ireland, in England, and abroad. Why should any Protestant gentleman constitute himself a protector of his female relations? That was his own duty, and no one had a right to take it out of his hands. He repeated that it was entirely impossible that inmates could be confined against their will in the Catholic convents of these countries, without his becoming aware of the circumstance within a very short time; and it was equally impossible that he could be deterred from doing his duty by any such fear or influence as had been so insultingly imputed to Catholic Members in that House. For his own part he had felt almost indifferent to the proposed inquiry, which must prove entirely abortive, and could lead to no practical result. As a Catholic he despised it, and viewed it in the light of a personal insult. It was proposed for the purposes of persecution, and was dictated by the same spirit which, in a coarser and more cruel form, had animated the executions at Tyburn in the time of Elizabeth, and the plunder of Catholics in that and subsequent reigns. It was the same persecuting spirit which within the last eighty years had prevented his grandfather from becoming an owner of land, and had excluded his father from all civil offices in the State. Perhaps those disabilities were not in those former times more sensitively felt than he and the other Catholics of Ireland now felt the more refined system of persecution which in various forms was daily directed against them and their religion, but especially against their pious female friends. Were he an English Protestant, he should feel even more strongly opposed to this course of legislation, as fraught with disgrace to that Church and danger to the empire. He had an utter contempt for this peddling inquiry, which it was proposed to conduct by a packed Committee. ["Oh, oh!"] He stated it advisedly, but in no offensive sense, that it would be a packed Committee; for on it would be placed Gentlemen whose judgments must necessarily be partial and one-sided, unless they belied their previous acts and professions. The whole proceeding was dictated by that feeling of Protestant bigotry which was now so prevalent, both in and out of the House. In using these expressions he desired to be clearly understood as not casting any reflection upon the Liberal Protestants of these countries, and at the same time to disclaim altogether religious intolerance towards persons who differed from the religion to which he belonged. He had no feeling of bigotry towards his Protestant countrymen, and no feeling in common with those who might entertain such feelings. He thought the House ought to affirm the present Motion to postpone, for six months, the further nomination of this most offensive Committee; and though he concurred entirely with the able arguments advanced by the hon. and learned Member for Newport (Mr. Massey), he could not concur in his conclusion, that because the House had come to two wrong decisions, it ought, therefore, to decide erroneously a third time; on the contrary, he thought that it should retrace its steps on the present Motion. [*Cries of* "Divide, divide!"] As some hon. Members opposite seemed indisposed to listen further to his arguments, and appeared anxious to divide, he should at once gratify their wish by moving an adjournment of the present debate.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 74; Noes 150: Majority, 76.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. KENNEDY said, as a Protestant Member, he felt called upon to protest against the insult which, by the last division, had been offered to the Roman Catholics of the United Kingdom by the Protestant representatives of Great Britain; and in order to postpone the decision of the House for even twenty-four hours, he should move the adjournment of the House.

MR. BELLEW said, he would second the Motion; and as it had been said that the Irish Members were afraid of inquiry, he admitted that of an inquiry by a Committee such as that which was proposed to be nominated, he was afraid.

MR. SERJEANT SHEE said, that the "tyrant minority," to which the hon. Member for North Warwickshire (Mr. Spooner) had referred, were but discharging their duty as the Members for Roman Catholic Ireland. He felt called on to assert that the real ground of the hostility of the Members of the Protestant Alliance and of the Church Missions to Roman Catholics to these conventual establishments was, that the members of them were, in the way of their unworthy and cowardly attempt, to do in the nineteenth century what was attempted by Primate Boulter long ago—to get hold of the little children and so pervert the people of Catholic Ireland to any variety—it appeared to him that it mattered not which—of the Protestant religion. He had referred to the "tyrant minority" in order that he might appeal to the honour and justice of the Protestant gentlemen of England, who had the power to do with the Catholics almost as they pleased, but who he confidently trusted would, when they came to consider the course in which they were embarking, think that it was consistent neither with their honour, their justice, nor their generosity. For many years he had lived on terms of friendly intercourse with his hon. and learned Friend the Member for Hertford (Mr. T. Chambers). His hon. and learned Friend had proposed his name as a Member of this Committee, but he had thought it due to himself as an English gentleman to send word to his hon. and learned Friend that he would sit on no Committee with him upon his nomination. He was in hopes that his hon. and learned Friend had made this Motion in obedience to the wishes of his constituency; but when he heard him say that he did it entirely of his own accord, he could not help thinking that the hon. and learned Gentleman had offered a most wanton and gratuitous insult to the Catholic Members of that House; and he must say, that a Committee of which his hon. and learned Friend was a Member, and appointed on grounds such as he had urged in support of this Motion, was one on which no Catholic Gentleman could serve with comfort, and scarcely with credit and honour to himself. He could not have conceived it possible that any Gentleman acquainted with the Catholic Members of that House could, without intending a deliberate insult to them, have uttered what the hon. and learned Gentleman did in the speech which he had delivered on a former occasion. Nearly every Catholic Member of that House had relations in these convents. He himself had had sisters in them, and now had a child in one of them, and he knew that what the hon. and learned Gentleman had stated was not true. He had no doubt that his hon. and learned Friend did not know it was false, but he did not know it was true. The conduct of the hon. and learned Gentleman in this matter reminded him of what Burke said in one of his letters to his son, "There are some persons, who, in order to draw some slight respect to their persons, pretend to be bigots." He never knew his hon. and learned Friend to be a bigot until the time arrived when, if bigotry was not the only way to get a seat in that House, it was the best way to keep there. Let them hear what his hon. and learned Friend said—[*Cries of* "Oh, oh!" *and* "Divide!"] Were they afraid to hear what he said? It was what they approved and encouraged. The hon. and learned Gentleman was their trump card—the very "Pam" of their party. [*Laughter.*] He (Mr. Serjeant Shee) was so accustomed to silent audiences, that this was rather agreeable than otherwise. It gave him time to breathe; but he feared he should detain them longer than he wished, if they did not allow him to say what he had to say in comparatively few words. His hon. and learned Friend said:—

> "Roman Catholics ought not to deny that convents were places of restraint and infliction. Who had not heard of the girdle, inside of which were sharp points, or *bonnet rouge*, which caused the most excuciating pain and insensibility when put upon the head?"

As a man of honour, could the hon. and learned Gentleman affirm there was any pretence for saying anything of that kind was ever carried on in England, Scotland, or Ireland? [Mr. T. CHAMBERS indicated assent.] The hon. and learned Gentleman nodded his head in assent; then why did he not state the fact broadly? He challenged him to the inquiry. He had not dared to mention the convent, when it took place, or where. He did not attempt to descend to particulars, but threw out a charge to inflame the feelings of the House against conventual establishments, and to defame and to calumniate the Catholics of this country. How did he go on?—

> "It would not do to conceal the facts out of complaisance; and when it was said to be an insult to the Roman Catholic body to say that fathers would allow their children to be put into these institutions against their will, he could not help it—it was true."

What pretence had he for saying it was true? None whatever. Even his faithful allies, the Members for the University of Dublin, the bitterest of all the Irish enemies of the Irish Catholic people—["Oh, oh!"]—or if not the bitterest, only not so because the hon. and learned Member for Enniskillen (Mr. Whiteside) was the bitterest—even they, with all their acquaintance with party disputes in Ireland, had not been able to advance one single instance of the kind. He (Serjeant Shee) declared on his honour he had never heard of any instance, and he could not conceive it possible such a case should have occurred without its having come to his knowledge. His hon. and learned Friend went on—["Oh, oh!"] That groan was such a weak one, it was so self-condemnatory in its very tone, that the hon. Gentleman was evidently ashamed to hear stated that which it was his duty to state to the House. The hon. and learned Gentleman said, "It was true, and always had been true. A parent could not afford to give his daughter a suitable dower, and she was put into a convent." An inmate of a convent must have something to enable her to live in a convent, so that calumny could attach only to persons in the higher ranks of life—to the noble Lords who had signed the address —to some dozen baronets, and a few gentlemen of the highest rank as gentlemen in England—to some five or six of the same class in Scotland—and to a more considerable number, which would have been still more considerable but for Protestant confiscations in other times, in Ireland. Was it endurable that a person in the position of his hon. and learned Friend should make charges against a comparatively small number of persons, without any proof at all? Did he know that had he written that statement he would have been guilty of a scandalous libel? Then he went on, "A young girl falls in love, and to escape a bad match she is put into a convent." The man who said that could not have known what a young girl in love was. He should have said, if it had not been said by his hon. and learned Friend, that it had fallen from lips which beauty had seldom blessed. Did he not know that a young girl in love would scale almost any wall in England? It was the most preposterous and absurd suggestion that could possibly have been made. These were not the only charges made by the leader of the proud Protestants of England, not off-hand either. Lawyers were not entitled to excuse for want of consideration in anything they did. The hon. and learned Gentleman, in his chambers, prepared a measure which the hon. Member for the county of Limerick (Mr. Goold), who was not particularly favourable to conventual establishments, said was disgraceful to him as an English lawyer. The hon. and learned Gentleman brought in a Bill, he would not say under false pretences, but under pretences which he must now know not to be true. It was a Bill to facilitate the recovery of personal liberty in certain cases. It recited—[*interruption*]—that females were supposed—[*increased interruption*]. Perhaps the House would like to hear the recital of the Bill. [*Cries of* "Oh! oh!"] They would not let him go on; but if they would do so, they would spare themselves another speech from him, which should be some inducement. The Bill recited that females—[*Cries of* "Divide, divide!"] The hon. and learned Gentleman's Friends were evidently ashamed of the Bill, and he would not say another word about it that night. He would yield to the wish of the House, but he had just one or two words to add. The hon. Member for North Warwickshire (Mr. Spooner) that night had said that he wished to go into Committee in order to adduce evidence to establish the fact that persons of property were placed in convents in order that the convents might become possessed of their property. This was one of those stories which the noble Lord the Leader of the House had aptly called "*histoires du coq et de l'âne*," and carried absurdity on the face of it. Now, the case must either be that of a young lady with a settled property, or that of a young lady with nothing but what she derived from the bounty of her parents. In the former case, nobody could divert the property from her. How absurd it was to suppose that the relatives or guardians of a young lady with a settled property would let her go into any such convent, the result of which would be to take the property from the family and hand it over to the convent! Then, take the case of a young lady without anything but what she might hereafter derive from the bounty of her parents. Her parents knew perfectly well when she went into the convent that they could make an arrangement to prevent the convent from getting any benefit from her. What was there to prevent her father, when she made up her mind to enter the convent, from giving her the portion of 1,000*l.*, which the convent required, and then making his will and leaving her 1*s.*? He knew that he could prevent the convent from receiving a farthing beyond the small allowance he gave it for the maintenance of his child. Curiously enough, when the M'Carthy case was contested, the brother claimed that it should be decided that the doctrine of civil death still existed—the effect of which would have been that the young lady would have been in the same position as if she had died intestate, and the family would have had the property. In that case, it was perfectly clear that the father knew what he was about—that when his daughters entered the convent he gave them the portion of 1,000*l.* each, and prepared a will, which for fifteen years was never executed, leaving them one shilling; thus demonstrating that in the case of a lady with no settled estate, the parents had the power of preventing the convent from getting a farthing, and that power parents were not unwilling to exercise. He was about to proceed to examine the Bill of the hon. and learned Member for Enniskillen (Mr. Whiteside), but he would leave that to another time, merely protesting that it appeared to him to be about the most absurd proposal for the purpose it professed to have in view that could have emanated from the head of a lawyer so distinguished as the hon. and learned Gentleman. He would now conclude, but he did not think it would be candid in him to thank the whole of the House for the patience with which it had listened to him; but he thanked Mr. Speaker and the great majority of hon. Members for the attention they had given to him, and he would merely add that he should vote for the Adjournment.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 68; Noes 121: Majority 53.

Question again proposed; Debate arising; Debate *further adjourned* till *Thursday* next.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, March 31, 1854.

MINUTES.] PUBLIC BILL.—1ª Income Tax.

THE WAR—DAY OF HUMILIATION AND PRAYER.

THE EARL OF RODEN: My Lords, I wish to put a question to the noble Earl at the head of Her Majesty's Government, to which I have previously adverted, and which I trust he will be kind enough to answer. I trust he will not consider that in putting that question I am acting from any political or party motive, but from a sense of duty connected very nearly with the subject about to be entered upon by your Lordships. My Lords, I think there can be no doubt that the time is past when there was any doubt whether we had entered upon a war. The noble Earl himself for a long time held out a hope that war might be averted, and yet, unhappily, that is not the case. I, therefore, think it is the duty of every person who desires to see peace restored, and the honour of the country vindicated, to suggest to the Government any means which they may think have not yet been taken to secure that great end which every Englishman must have sincerely at heart. I am willing to give the noble Earl and the Government full credit for the means they have employed with respect to the army and the fleet; but I think there is one measure which they have omitted, and which I trust they may even now have recourse to. It is one which I believe to be consistent with the character of this great Christian country, which would be received with satisfaction by thousands of Her Majesty's loyal subjects, and one which, I am sure, will be most gladly received by many of those noble and brave individuals who form our army and our fleet, and who have left the shores of this country. I mean that a day should be set apart on which the voices of the assembled nation might ascend in common prayer to Almighty God to grant his protection and his blessing on the exertions they are making for the benefit of mankind, and to give success to Her Majesty's armies by sea and land in the awful struggle in which they are now about to be engaged. I believe that such a course would be most acceptable to the country, and I trust the noble Earl will be able to give a satisfactory answer to my question, whether it is the intention of the Government to advise Her Majesty to institute such a step. I, therefore, beg to ask the noble Earl whether the Government are prepared to advise Her Majesty to command a day to be set apart for national humiliation and prayer to Almighty God for his protection and his blessing, and to give success to Her Majesty's armies by sea and land in the brave struggle on which they are entering; and also that He would give his wisdom to Her Majesty's councils to guide them in the difficult enterprise in which they are engaged?

THE EARL OF ABERDEEN: In answer to the question of the noble Earl, I beg to state that it is the intention of Her Majesty's Government to advise Her Majesty to direct that a day of humiliation and prayer shall be set apart for the purpose mentioned by the noble Earl.

THE ARCHBISHOP OF CANTERBURY: I am anxious to express, on my own behalf, and I am sure on behalf of a large portion of Her Majesty's subjects, the satisfaction I feel at the declaration we have just heard from the noble Earl. It has always been usual upon every occasion in which this country has been involved in war, to have recourse to the means which are now proposed, and which I am glad to see the Government are about to advise Her Majesty to adopt. There never was an occasion when we could more justly and with a safer conscience invoke the blessing of God upon Her Majesty's arms than in a war which has not been provoked by any aggression or ambition on our part, but which has been undertaken solely for the purpose of protecting those interests of justice that ought not to be laid aside; and in which, I trust, we shall receive a blessing from Him whom we desire to honour.

WAR WITH RUSSIA—HER MAJESTY'S MESSAGE.

Order of the Day for considering Her Majesty's most Gracious Message of Monday last read.

The Message having been read by the Reading Clerk,

THE EARL OF CLARENDON rose, and said: My Lords, in rising to move your Lordships to agree to the Address which I shall have the honour to propose in answer to the Gracious Message of Her Majesty which has just been read, I trust that it will not be necessary for me to detain the House at any great length on a subject with which your Lordships are already so well acquainted, both from the papers which have been laid before Parliament, and from the discussions which have already taken place in this House. But, my Lords, upon an occasion like the present—upon an occasion of such solemn and grave importance—when the hopes and anticipations of the last few months have been dispelled—when the peace which we have so long laboured to maintain has been terminated—when war, which we have thought for years past to be impossible to be renewed, is about to be commenced—and when your Lordships are now called upon to reply to the appeal which Her Majesty has made to your loyal devotion and zeal in the struggle which she is about to wage in defence of an injured ally—I admit that I cannot approach the subject, familiar as it is, without feelings of the greatest anxiety. My Lords, I do not shrink from the expression of this opinion, because I believe it is a feeling in which your Lordships will entirely participate; because it is not inconsistent with our national honour; it is not inconsistent with that courage which characterises our countrymen; it is not inconsistent with that firm determination and stedfastness of purpose which in past times has borne us safely through difficulties and dangers—calmly to contemplate the wide field of calamity that war opens before us, and to reflect upon the various and vast interests that will be endangered, upon the social progress which will be interrupted, upon the burdens which will be increased upon the people, and the plans of improvement which will be set aside, by this war. But, my Lords, these considerations—presenting themselves, and weighing heavily, as they must do, on every reflecting mind—have not proved sufficient either to abate the determination or to damp the ardour—I would rather say the enthusiasm—with which this country has risen as one man at the sacred call of duty to defend the national honour, in a holy, just, and righteous cause. My Lords, I trust that nothing will fall from me this evening to mar those unanimous feelings with which on every account it is so important that our proceedings should be characterised, or that I should impair the great and good effect which I know has been produced throughout the whole of Europe by the unanimity of the people of this country and by the imposing attitude which in conquence England has assumed since war has appeared to be imminent. But, my Lords, in saying this, I am far from intending, as my noble Friend opposite thought on a former and less important occasion, to deprecate discussion or avert inquiry in any and every stage of these proceedings; still less have I any intention to complain of the spirit in which these inquiries and that criticism have hitherto been conducted. Some of your Lordships may have thought that we did not speak out sufficiently strong and in sufficiently good time; others have thought that we should have acted more vigorously, and rendered war inevitable in order to avoid war; others have thought that we have displayed a foolish confidence in the assurances we have received; while others, like my noble Friend below me (Earl Grey), have, by powerful arguments, endeavoured to establish that we should not have interfered at all. But, my Lords, as far as I have been able to ascertain the real state of public opinion, I believe that the verdict of the country has been given in our favour, and I believe it is because our persevering efforts to maintain peace have been exhausted, that the unanimous support of this powerful nation is now so cordially to be given to us.

My Lords, it has been, on several occasions, my duty to explain and defend the policy of the Government; and I shall not, therefore, on the present occasion, occupy your Lordships' time, or weary you, by going over the same ground and repeating the same facts and arguments. But, my Lords, with reference to that undue confidence which we have been accused of exhibiting in the Emperor of Russia, I do desire to say a few words, and they will be with reference to that correspondence which has just been laid on your Lordships' table. My Lords, it is unnecessary for me to say that that correspondence would have remained buried in the archives of the Foreign Office, if we had not been challenged, and consequently compelled, by the Emperor of Russia to produce it. We neither desired nor sought these communications; but, having received them as confidential, we have behaved with scrupulous honour to the Emperor of Russia, and I can give your Lordships no better proof of this than this fact—that in a despatch that I wrote at the end of April, in which I recapitulated the various assurances given us by the Emperor, I inserted one short extract, not from the despatch sent by Sir Hamilton Seymour containing an account of his conversations with the Emperor, but from the memorandum presented by Count Nesselrode at the Emperor's request, and which the Emperor had caused to be drawn up. Count Nesselrode, observing this extract, protested against this as a breach of confidence, and requested that it might not be inserted in that despatch when it was laid before Parliament. We replied, that all communications of this kind were exceedingly inconvenient to a constitutional Government; but that if the Emperor thought he had just cause to complain, we would promise him that that passage should be withdrawn from the despatch when it was laid before Parliament. And I can with confidence appeal to your Lordships whether, in the course of the various discussions which have taken place upon this subject, there has been any, the slightest allusion, on the part of the Government to these communications made by the Emperor of Russia. But, my Lords, as that correspondence has been produced, I can only express my satisfaction that it has seen the light; because I think I may say, without presumption, that it proves that we have been honest to the Sultan, honest to our allies, and honest to the Emperor himself. It was the Emperor who voluntarily developed his ideas, or rather expressed his convictions that the dissolution of the Ottoman empire was inevitable. And, my Lords, we must remember that this was no singular idea on the part of the Emperor—that he had no monopoly of it—and that it was shared by thousands of persons in this country, who, at this time last year, had no idea of the vital energy and national spirit which the Turks have since exhibited. It was proved in books, in pamphlets, in newspapers, and by a variety of statistical data, that the Ottoman empire could not last. The Emperor of Russia desired to discuss this matter with us, and to arrange with us what would be suitable, or rather what would not be suitable, to the interests of the two countries in the event of these prophecies being realised. My Lords, I say there was in this nothing more to excite suspicion or create alarm in the year 1853 than there had been in the year 1844, or in 1829, when these ideas were first broached. But, my Lords, if this country had participated in these ideas of the Emperor—if we had shown that we believed that the dissolution of the Turkish empire was at hand—if we had been ready to admit its dismemberment, or shown a readiness to accept Egypt or Candia, as was proposed to us—then, my Lords, I think, the Emperor might have looked to the realisation of his prophecy. But it was because we wished to avert that danger, and to bring the Emperor to our view of the question, that we did not shrink from his wish that we should discuss the whole question with him. We frankly discussed his arguments; we gave him our reasons for thinking that the dissolution of the Ottoman empire was not at hand; we declared that we would not be a party to any underhand dealings, and that we would have no secrets from our allies; we dismissed with something like silent contempt the offer of a territorial bribe; and we pointed out to the Emperor the course which he himself ought to pursue. Well, my Lords, the Emperor in return said that Russia was too great in territorial extent already; that he desired no increase of territory; he agreed with us that the maintenance of the Ottoman empire was a European necessity, and that its downfall would be a European calamity; and, though he said he should insist upon justice being done him by the Sultan upon the question of the Holy Places, yet he positively asserted that he had not moved a man or a ship at that time towards Turkey. And, my Lords, these assurances were given to us, not only upon the word of the Emperor, but on the word of a "gentleman"—His Imperial Majesty seems to draw some distinction between the two—and these assurances were addressed, not merely to Her Majesty's Government, but to the Queen herself. And then, my Lords, in a memorandum drawn up by the Emperor's desire, and perhaps by his own pen, we received these assurances:—

> "The Emperor has, with lively satisfaction, made himself acquainted with Lord Clarendon's despatch of the 23rd of March. His Majesty congratulates himself on perceiving that his views and those of the English Cabinet entirely coincide on the subject of the political combinations which it would be chiefly necessary to avoid in the extreme case of the contingency occurring in the East which Russia and England have equally at heart to prevent, or, at all events, to delay as long as possible. Sharing generally the opinions expressed by Lord Clarendon on the necessity of the prolonged maintenance of the existing state of things in Turkey, the Emperor, nevertheless, cannot abstain from adverting to a special point which leads him to suppose that the information received by the British Government is not altogether in accordance with ours. It refers to the humanity and the toleration to be shown by Turkey in her manner of treating her Christian subjects. Putting aside many other examples to the contrary of an old date, it is, for all that, notorious that recently the cruelties committed by the Turks in Bosnia forced hundreds of Christian families to seek refuge in Austria. In other respects, without wishing on this occasion to enter upon a discussion as to the symptoms of decay, more or less evident, presented by the Ottoman Power, or the greater or less degree of vitality which its internal constitution may retain, the Emperor will readily agree that the best means of upholding the duration of the Turkish Government is not to harass it by overbearing demands, supported in a manner humiliating to its independence and its dignity. His Majesty is disposed, as he has ever been, to act upon this system, with the clear understanding, however, that the same rule of conduct shall be observed, without distinction and unanimously, by each of the great Powers, and that none of them shall take advantage of the weakness of the Porte to obtain from it concessions which might turn to the prejudice of the others. This principle being laid down, the Emperor declares that he is ready to labour, in concert with England, at the common work of prolonging the existence of the Turkish empire, setting aside all cause of alarm on the subject of its dissolution. He readily accepts the evidence offered by the British Cabinet of entire confidence in the uprightness of his sentiments, and the hope that, on this basis, his alliance with England cannot fail to become stronger."

Now, my Lords, this was on the 15th of April, and as the result and conclusion of a correspondence begun, apparently, with very different feelings on the part of the Emperor of Russia from those which he now entertains, I think it was all we could expect and all we could desire; unless, indeed, we are to proceed upon a general system of disbelief and suspicion in the honour and rectitude of persons in high quarters, where they might most naturally be expected to be found. Well, my Lords, if you can divest your minds of all that has passed since the month of May, and realise the impression which would have been made upon you, if, at the end of April last, and before the real nature of Prince Menchikoff's mission was known, I had been able to lay this memorandum on your Lordships' table, I think your Lordships would have felt, as Her Majesty's Government felt at that time, that Turkey was safe from the dangers in which she was soon after involved. And, my Lords, the dangers were and are of a very clear and substantial nature. The Emperor of Russia has endeavoured by a treaty, or by an engagement which should have the force of treaty, to obtain that right of interference between the Sultan and many millions of his subjects which would have extended not only to a virtual protectorate, but have conferred actual government upon him. Had the Sultan entered into the engagements which were required from him, the Greek Christians, who are the subjects of the Porte, would have been placed in the same position as the subjects of the Emperor of Russia. No question, however small and however trifling, connected with the control of the affairs of the Greek subjects of the Sultan could have arisen which would not have had to be determined by the Russian Ambassador at Constantinople. We should then have seen the enlightenment, the intelligence, and the progress of the Greek subjects of Turkey, as well as the free exercise of their religion, brought down to the same low level as those of the subjects of the Emperor of Russia; and any demur upon the part of the Sultan to submit to the government of the Russian Ambassador would have been an infraction of treaty and a legitimate cause of quarrel. Under these circumstances, my Lords, Russia would have been enabled at any moment, and upon any pretext, with her powerful fleet in the Black Sea, to render herself mistress of Constantinople. I need not waste your Lordships' time by any comments upon the effect of such an event as that occurring. We should have found in such a case, to our cost and to our disgrace, that the maintenance of the Ottoman empire, which is a matter of European necessity, as its downfall would be an European calamity, was nothing more than a vague and unmeaning term. And I must say, my Lords, that I think it was unworthy of the dignity of the Emperor of Russia perseveringly to attribute the failure of his scheme, not to the nature of the scheme itself, but to the perseverance and malignity of Lord Stratford de Redcliffe. The Sultan was perfectly alive to his own interests, and, under any circumstances, would have refused the terms sought to be imposed upon him by the Emperor of Russia. True it is that Lord Stratford, on being consulted, did not advise the Porte to commit political suicide; but it is also true that the same advice was given at the same time by the French Ambassador, the Austrian Internuncio, and the Prussian Minister. When the outrage of occupying the Principalities was committed, it was committed as a material guarantee for the fulfilment of a treaty which had not been violated. And, my Lords, although this part of the subject has been more than once alluded to before, your Lordships must bear in mind that the whole question, as regards the Emperor of Russia, turns upon the interpretation of the seventh article of the treaty of Kainardji, by which the Porte engaged to protect the Christian religion and all its churches thoughout the Ottoman dominions; but so carefully did the Porte guard itself against any right of interference on the part of Russia that, by a subsequent portion of the article, that interference was expressly limited to the right of making representations with respect to a church at that time building at Constantinople, and to an engagement on the part of the Porte to take those representations into consideration. But, my Lords, it is this unlimited interpretation of the treaty which has been throughout insisted upon by Russia, and for which she is now prepared to enter into war. And, my Lords, if a mission like that of Prince Menchikoff could be resorted to to enforce rights which she was not entitled to demand, I leave your Lordships to judge what would have been the effect as regards Russia if this scheme had succeeded, and if the Emperor had been entitled to demand all that was conceded to him, with the additional interpretation put upon this treaty. We have a treaty with the King of Naples. Suppose we had suddenly chosen to give an interpretation to that treaty that it was an undertaking to admit British commodities free of duty, for the purpose of rendering them cheaper to His Majesty's subjects; and suppose the King of Naples, as he was justly entitled, had resisted this, and we had seized on Sicily as a material pledge—not for anything we had a right to claim, but for a compliance with demands resting merely on our own interpretation of the treaty—in that case, I ask whether the indignation of Europe would not have been aroused, and whether the King of Naples would not have been warranted in calling in his allies to assist him in repelling the aggression, if England could even have attempted it? Yet such an assumption of power would not have been one whit more unwarranted or unjustifiable than has been the conduct of the Emperor of Russia towards the Porte. But, notwithstanding all that had occurred, the mediation of Austria for the settlement of the differences between Russia and the Porte was called in, and Austria invited the aid of the other three Powers in this work. Though the four Powers felt that the Emperor of Russia had committed a great wrong, they thought it advisable to find for him a means of retreat without loss of dignity, and if the Emperor had accepted the modified Vienna Note he would have lost nothing of dignity, but in reality would have gained in other respects. However, he rejected the terms proposed, and Count Nesselrode then, in a note, avowed what it was that Russia really would insist on. Still, however, the Emperor of Russia having said, after the Conferences at Olmutz, that if any fresh terms were proposed to him he desired that they should be first settled with the Porte, the four Powers again renewed their endeavours, and their representatives at Constantinople obtained from the Porte fresh terms, giving the Emperor much more than he had a right to demand. And it deserves to be recorded to the honour of the Porte, that it was after the Sultan had been compelled, in his own defence, to declare war, and after the massacre at Sinope, which aroused national indignation, that this fresh negotiation was begun. My Lords, the terms of this negotiation were sent to Vienna, and unanimously approved by the representatives of the four Powers, who declared them to be just and honourable, and such as the Emperor might accept without any loss of that honour and dignity which it was thought so desirable to maintain. And, my Lords, how were those negotiations received? The Emperor of Russia did not even notice them. He ignored the terms offered him by the Porte. He disregarded the advice and recommendation of the four Powers, and he disregarded the highest and greatest interests of Europe and the universal expression of public opinion. He, however, subsequently sent proposals of his own, in which his original demands, so far from being abated, were increased, and put in a form to render them more injurious and offensive to the Porte. Could we, under such circumstances — could France and England—allow the virtual supremacy over millions of the subjects of the Sultan to be handed over to the Emperor of Russia? Could France and England submit to the degradation of allowing Russia to take up a position as regards Turkey which would be the means of inflicting death upon that country, either by slow poison or by sudden death? for that is the alternative which Russia offers. There could be but one answer to that question, and that answer has already been given by the generous and high-minded people of this country, who detest aggression, whatever form it may assume, and who are always ready to protect the weak against the strong. And, my Lords, it was a sense of national honour, a sense of duty, and a desire that this country should continue to be respected among the nations of the earth, that made Her Majesty's Government, in conjunction with the Government of the Emperor of the French, feel it their bounden duty to bring this question to a final decision, and require within a given period an understanding from the Emperor of Russia that he would evacuate the Principalities, giving him notice at the same time that his refusal to comply with the terms proposed, or a refusal to reply, would be considered as equivalent to a declaration of war. Late on Saturday evening last a messenger arrived from St. Petersburg with the information that the Emperor did not consider it consistent with his dignity to give any answer to the communication of the Allied Powers, and on Monday Her Majesty's Royal Message was read in this House. My Lords, I think your Lordships will admit that we have been actuated by no selfish considerations, that we have sought for no territorial aggrandisement, and no extension of political influence. We want nothing for our trade, and we fear nothing for our Indian possessions. For none of these would we make the sacrifices we are now about to make; but for the preservation of our honour and our self-respect we are prepared to make any sacrifice, and it is to maintain our honour and our self-respect that Her Majesty appeals to the loyal devotion of your Lordships.

On Monday evening, a noble Earl opposite (the Earl of Derby) expressed a wish that the agreements between England and France, and England, France, and Turkey, should be laid upon the table. Certain papers have already been delivered, but at the present moment we are not able to lay our agreement with France on the table. At present it consists simply of an exchange of notes, containing arrangements with respect to military operations, and which have been drawn up for the purpose of facilitating arrangements elsewhere, which, I hope, may have been concluded before now. If those arrangements are not concluded at Vienna, the notes between France and England will take a more decisive and definite form, and will then of course be laid upon your Lordships' table. With respect to the convention entered into with Turkey, I explained to my noble Friend opposite (the Earl of Malmesbury), last night, that, in consequence of a misunderstanding at the French Foreign Office, the Ambassador of the Emperor of the French at Constantinople had not yet received his full powers, and, consequently, the treaty had only been provisionally signed. It cannot, therefore, at present be laid upon the table. But I may at once reply to the inquiries made by my noble Friend (the Earl of Derby), the other evening, with respect to some fears he expressed with regard to certain rumours which had reached him, that the convention contains no stipulations of any kind with respect to the Christian subjects of the Porte. A question has been asked by my noble Friend opposite (Earl Grey) as to the object of the war, or, in other words, what are the terms on which peace would be concluded? But I think my noble Friend will not press that question, when he must be aware that the answer must depend upon a vast variety of circumstances which it is impossible for any one to foresee. We enter on the war for a definite object; it is to check and repel the unjust aggression of Russia. In what manner that will be carried out, and to what consequences it may lead, must depend entirely upon the proverbial chances of war, upon the success that may attend our arms, and upon the activity of our allies; and I certainly, therefore, can give no answer to that inquiry, seeing how unfounded any assurances I can give may ultimately prove to be. When the British army went to Spain we went to assist the people of that country to defend themselves from aggression; but in 1808, or 1809, or 1810, or 1811, we could not say we would make no peace except upon the territorial arrangements which were ultimately fixed at Vienna. In entering on war now, we do so to repel aggression and to secure a peace honourable to Turkey. I believe there is not a man in the dominions of the Czar who does not expect that Constantinople will ultimately belong to Russia. It will be our duty, as far as we possibly can, to prevent the realisation of that expectation, and to take care that a Russian occupation may never begin there. Were it to succeed, and were Russia to be in possession of Constantinople, commanding, as she would do then, the Black Sea and its shores, being enabled, as she would, to occupy Circassia and Georgia, and convert the population of those frontier countries into one mighty army, having access to the Mediterranean and a vast naval fleet in the Baltic, and determined, as she now is, to increase her naval power by all those facilities which steam and modern invention have afforded for the transport of troops—with all these advantages, were Russia in possession of Constantinople, it would not be too much to anticipate that more than one Western Power would have to undergo the fate of Poland. The wealth, and the intelligence, and the civilisation of Europe would be no more a barrier against encroachments upon the part of Russia than were the intelligence and civilisation of ancient Rome against the encroachments of the Huns and Vandals. And, my Lords, the more we examine this question, the more gigantic is the aspect it assumes. It is not merely the protection of Turkey against the aggressions of Russia that is concerned in the Eastern question, as it is commonly called, but it is the battle of civilisation against barbarism, for the maintenance of the independence of Europe. Already, even without territorial aggrandisement, the policy pursued by Russia has, in a great measure, placed the nations of Germany in a state of dependence. Several foreign Governments, but more particularly those of Germany, have been acted upon by Russia with a strength and influence which have been and always will be exercised to check education, the free expression of opinion, and that progress which is essential to civilisation. The object of the Emperor of Russia has been to render other countries dependent upon him. From the papers which have already been laid upon the table of the House, your Lordships must have seen at once that the submission of Austria to the designs of the Emperor of Russia upon Turkey was taken for granted, and that, with respect to Prussia, she was not thought worthy of mention at all. And even after all that had passed, even in the course of this very year, after Austria and Prussia had signed the protocols condemning the conduct of the Emperor of Russia, the Emperor of Russia sent a tripartite convention for the German Powers to sign for his advantage, and did not authorise his agent to give an answer to the Emperor of Austria himself, when he asked what the policy of the Emperor of Russia would be in the event of his signing that convention. Nor would the Emperor of Russia even say whether his forces would cross the Danube or not. But the conventions and propositions of the Emperor of Russia were rejected in a manner well calculated to maintain the dignity and independence of Austria and Prussia. And here, my Lords, let me repeat what I have said before, that this country has every reason to be satisfied with the conduct of Austria. She has behaved in an honourable and straightforward manner throughout the negotiations with Russia, and she has done, in her own way, and at her own time, everything that she could for the preservation of peace, and to maintain the integrity of Turkey. I believe she has now placed her army upon a war footing, and only this evening I received a communication stating the position of her different forces, which now amount to 130,000 men, independently of her troops upon the frontier, and I think we have no right to be dissatisfied with that disposition. There is, however, unfortunately, a difference in the mode of action between Austria and Prussia. The latter Power is desirous of exercising a perfect neutrality; but I must say that, with such a war as is now about to be waged upon the frontiers of both countries, it will be impossible for either Power to preserve a neutrality. At all events, nothing could be more exhausting, nothing more disastrous, nothing more fatal, to the best interests of both these countries than a protracted war, and nothing could be better for them than a short and decisive contest. But if the two great German Powers be divided, the result will inevitably be in favour of revolution; and therefore favourable to the present interests of Russia. If these Powers, however, proceed in accordance with popular opinion, which is every day more and more against Russia, it cannot be for one moment doubted that the ultimate result will be favourable to German independence. That Power which lends itself to the designs of Russia will transfer all the popular sympathy of Germany to the Power that refuses to do so, and into the hands of that Power will be committed the future destinies of the German nation. Under these circumstances, I do sincerely hope that these two great Powers—taking an accurate estimate both of their own interests and the interests of Europe—may become not only united in their policy with the Western Powers, but that they will undertake united action with them. I trust they will take the parts which befit them in this great struggle, of which not only the immediate, but the ultimate result concerns them even more than it does Western Europe. I trust that, at the close of this struggle, we shall find them by our side, re-establishing peace upon a solid and secure foundation; but that peace, my Lords, will be neither solid nor secure unless the territorial extension and the immoderate influence of Russia be repressed and for ever limited. That peace will not be a glorious peace, my Lords, if we do not secure equal rights and immunities for the Christian subjects of the Porte—not securing them by treaties nor by a protectorate, nor by acquiring rights fatal to the very independence of the Power which we intend to uphold; but securing them as the spontaneous act of the Sultan—and not less binding on him on that account—by which he will best consult his own interests, and by which he will entitle himself to the gratitude of Europe, and afford to France and England the only return they desire for the exertions which they are now making on his behalf. With these objects in view—and if the Crown meets, as I trust it will, with the unanimous support of the Parliament and people of this country—we may humbly hope that the protection of Heaven may be vouchsafed to a cause which we believe to be a righteous and just one, and we may look forward boldly and fearlessly to the result of the struggle in which we have now embarked. The noble Earl concluded by moving—

"That an humble Address be presented to Her Majesty, to return Her Majesty the thanks of this House for Her most gracious Message, and for the communication of the several papers which have been laid before it in obedience to Her Majesty's command. To assure Her Majesty of the just sense we entertain of Her Majesty's anxious and uniform endeavours to preserve to Her people the blessings of peace, and of our perfect confidence in Her Majesty's disposition to terminate the calamities of war, whenever that object can be accomplished consistently with the honour of Her Majesty's Crown and the interests of Her people. That we have observed with deep concern that Her Majesty's endeavours have been frustrated by the spirit of aggression displayed by the Emperor of Russia in his invasion and continued occupation of the provinces of Wallachia and Moldavia, in the rejection of equitable terms of peace proposed under the sanction of four of the principal Powers of Europe, and in the preparation of immense forces to support his unjust pretensions. That these pretensions appear to us subversive of the independence of the Turkish empire. That we feel that the trust reposed in us demands on our part a firm determination to co-operate with Her Majesty in a vigorous resistance to the projects of a Sovereign whose further aggrandisement would be dangerous to the independence of Europe."

THE EARL OF DERBY: My Lords, I rise, not for the purpose of offering any opposition to the adoption by your Lordships of the Address which has been moved by the noble Earl opposite, because I concur with him in thinking that, whatever may be our differences of opinion as to the manner in which the negotiations which have preceded this war have been conducted, this is a moment and an occasion on which it is of importance—of the utmost and most vital importance—that there should be no difference in the expression by this or the other House of Parliament of an opinion which I believe, with the noble Earl, to be the general and almost universal feeling and opinion of the country, with regard to the necessity of giving an active support to Her Majesty's Government in the prosecution of that war which, however lamentable and however much to be deprecated—as all war must be—is, in my belief, and in the belief of the country, a just war, and which, in the present state of things, however different it may have been originally, is also a necessary war. And I am only apprehensive, my Lords, that, as Her Majesty's Government have, up to the latest moment, continued to hope against hope—that as, up to the last moment, they have spoken of peace when all around them breathed war—so that even now they imperfectly appreciate, or, to use an American expression, they fail to "realise" the magnitude, the importance, and the probable duration of that arduous struggle upon which we are now about to enter. I fear, too, that the country has set its hopes and expectations too high with regard to the immediate and direct success of our interference. I fear that they underrate the resources, more especially great for purposes of defensive warfare, of the great antagonist whom we have to meet. I fear they underrate the difficulties which must be thrown in the way of the best combined operations, of the most gallant armies, and of the most powerful fleets, from circumstances against which neither bravery nor conduct can secure those fleets or those armies. And if I venture, my Lords, at this moment, when we are entering upon a great war, to call your attention and the attention of the country to its importance and magnitude, and to its possible duration, I do it, not with a view of discouraging that enthusiasm which the noble Earl describes to be felt by the nation in this struggle—I do it with no wish to damp the ardour and eagerness of the people of this country at any sacrifice to support a cause which they believe to be a just and sacred cause—but I do it, well knowing the character and nature of my countrymen, and believing that those energies, that eagerness, and that enthusiasm will be rather kindled and excited than diminished by having placed before them, plainly and distinctly, the magnitude of the struggle and the greatness of the sacrifices for which they must be prepared. And I think nothing would be so unfortunate as that we should enter on this great struggle with an idea entertained by a great portion of the community, still less with an idea entertained or encouraged on the part of Her Majesty's Government, that this war will be a light affair or one of a trifling nature. I cannot conceive a greater mortification —I cannot conceive a greater discouragement, that the country should feel, after two or three campaigns, that they had made but little progress towards the attainment of the object which they were led to believe would be of instantaneous execution; and I think it infinitely better they should know beforehand the magnitude of the cause they are about to undertake, than that they should lightly contract hopes and expectations which may for a considerable time be baffled and deluded. But it is not because I think the war will be of long duration and of serious importance—it is not because I fear we do not enter into it in so full a state of preparation as, perhaps, we might have done—it is not because I feel that for defensive purposes the resources of the Emperor of Russia, even if he receive no co-operation or neutrality from other Powers, are formidable—that I deprecate underrating a conflict, which, however fatal and lamentable, however easily it might have been avoided in its origin, has now, I think, become necessary for the protection and maintenance of the liberties of Europe. I concur fully with the noble Earl opposite that the possession of Constantinople would in point of fact give to Russia a preponderating and overwhelming power, which would render her the mistress and arbiter of Europe and a great part of Asia. I concur also with him in thinking—for although I think he did not express the opinion, it is one which he must entertain—that the assumption of that amount of influence that the protectorate which Russia claims over Turkey would virtually, if assented to and allowed by Europe, give to Russia, would give her the same power, and place her in the same position in regard to Europe, as if by her armies she occupied that country. It is, then, of importance that we should understand what it is for which we are about to contend, and what position that is which is demanded by Russia. I concur with my noble Friend in thinking that, from the very first moment the pretensions of Russia to this protectorate for which she has throughout uniformly contended, were pretensions which it was impossible to admit, and pretensions which, if admitted, would give to Russia an absolute sovereignty over Turkey. Therefore, it is not merely for the expulsion of the Russian forces from the provinces, it is not merely for the purpose of preventing the realisation of the future dreams of Russian ambition and Russian greatness that we are contending—it is for placing the relations between Russia and Turkey, by the act of universal Europe, upon a footing which shall be that of two independent States—not that of one nominally independent, but smothered and strangled under the protectorate of the other. I concur, then, with the noble Earl, that this is a just war, that it is a necessary war, and that it has for a long time been an inevitable war. But I am afraid, in accepting the invitation given by the noble Earl to enter upon a discussion of those revelations which have been made by the secret papers lately produced, and laid upon your Lordships' table, I am not altogether prepared to go along with him in the view which he takes as to the deception which he thinks was practised on this country by Russia, or the conviction he still entertains, that, with the information which they had in their hands, Her Majesty's Government were justified in supposing that there was no danger to the peace of Europe arising from the pretensions made by Russia. I must go further—I say it without meaning any personal disrespect—but I must say I believe this war never would have taken place, these pretensions never would have been put forward, if, at the particular time of these particular differences arising, the noble Earl opposite (the Earl of Aberdeen) had not been the Minister at the head of the Government. It is impossible to enter on the consideration of these papers, and the consideration of that question, without referring, in the first instance, to that secret memorandum which has been produced and laid on the table by the noble Earl—I mean the memorandum which I, erroneously, had always supposed to have been prepared by Baron Brunnow, but which is now stated to have been prepared by Count Nesselrode. The endorsement on this memorandum is of rather a peculiar character. It is stated to be a memorandum founded upon communications received from the Emperor of Russia subsequently to His Imperial Majesty's visit to England in 1844. Now I dare say the memorandum was framed subsequent to His Imperial Majesty's visit; but I do not understand that the communications were made by the Russian Emperor to Count Nesselrode subsequent to His Imperial Majesty's visit. That can hardly be the meaning of the noble Earl, or else there must have been communications to Her Majesty's Government subsequently. But if there has been diplomatic correspondence, there must be despatches to be produced, and those despatches have not been produced. But, if I am not misinformed, this memorandum, whatever the time when it was framed, was framed in consequence of communications which took place at the period of the Emperor's visit to this country in 1844—personal, not official, communications with two or three Ministers of whom the noble Earl is the only survivor, and especially personal communications with the noble Earl himself, who at that time filled the office of Secretary of State for Foreign Affairs. This document is one of a very remarkable character. It is not an official document—it is not a document, I think I can venture to say, which was brought under the cognisance or consideration of the Cabinet of which the noble Earl and myself were, at the time, both Members. It was not an official document at all. It was a personal document, binding on the noble Earl himself, but not binding in the slightest degree any subsequent Government. It remained, not with the ordinary papers of the Foreign Office; it remained in the custody of each successive Secretary of State, with no copy in the Foreign Office. I am in a position to know the great importance which Russia attached to this document, because I had not occupied the situation which, in 1852, I had the honour of holding, many days when, both to me and the noble Earl the Secretary of State for Foreign Affairs (the Earl of Malmesbury), Baron Brunnow expressed an anxious desire that we should see and make ourselves acquainted with this particular document. At that time I could answer with perfect sincerity, "of that document I knew nothing," and during the whole period—not a very long one certainly—I held office, no reference or communication was made by Baron Brunnow to me with regard to this document, which, if it had been held binding on the British Government, would infallibly have been the case. But when the noble Earl succeeded to the head of the Government, then immediately the correspondence or memorandum, which the Emperor, to use his own expression, held to be binding upon himself as a "gentleman," and which, in his judgment, was also binding on the noble Earl as a gentleman—not as a British Minister, but as the individual to whom he had confidentially communicated the whole of his scheme in 1844, and who then, as he conceived, gave him encouragement in it, was brought forward; and the then position of Europe giving encouragement, the Emperor was led, and most naturally, to believe that the time had arrived to carry into operation the understanding entered into in 1844. What was that understanding—what was that undertaking—what was that which (if this memorandum be correct, and I presume it is, for it has never been contradicted) was agreed upon personally by the noble Earl during the Emperor's residence in Her Britannic Majesty's dominions? The result was "the eventual engagement that, if anything unforeseen occurred in Turkey, Russia and England should previously concert together as to the course which they should pursue in common." It seemed as if England and Russia went hand in hand, according to the Emperor's views, as developed in that memorandum; and it was assumed that if Austria followed in the train of Russia, as from the period of 1844 up to the present moment Russia has always assumed she would, France would be obliged to act in conformity with the course which might be agreed on between the Courts of St. Petersburg, London, and Vienna. The object was that in the event of unforeseen events in Turkey, England, Russia, and Austria—Austria following in the train of Russia—should enter into a combination which would compel France to accept any terms they might think desirable. When that agreement was entered into, the noble Earl now at the head of the Government was Foreign Secretary; when he acceded to power again, it was supposed that there was no very cordial understanding between the incoming Ministers and France. At that moment there were serious differences between France and Russia, arising out of the question of the Holy Places—or, rather, the question of the disputed protectorate—and it was supposed, rightly or wrongly I do not say; but whether rightly or wrongly then, the reverse is happily the case now—that between the incoming Ministers and the French Government there was no very cordial understanding. And it was thought that if Russia could succeed in binding the Prime Minister of 1853 to the obligations into which he entered in 1844, France would be isolated, England, Russia, and Austria would make arrangements among themselves for the settlement of the Turkish difficulty, and the arrangements they made would be assented to by the rest of Europe, leaving only the question how the spoils were to be divided between Austria, Russia, and England. That such was the state of things no one can doubt. That such was the design these papers are the evidence, and not only so, for in the most open and most unblushing manner that design was developed to the British Government; and I do not understand what the noble Earl means when he says that there was no greater danger in 1853 than there was in 1844, when the original undertaking was entered into. It seems to me there was much greater danger. There was this great difference—that the agreement of 1844 was a theoretical arrangement providing generally as to what should be the course in case of unforeseen events at some distant period, which might never occur; while in 1853 the state of things was such that it was intimated that the dissolution of Turkey might occur at any moment, and the danger to Europe, therefore, in 1853 must be considered imminent and inevitable. The one was a theoretical agreement which might take effect on some future occasion. The other was a proposition to be carried into effect immediately, and without delay, and in the then state of Europe. I think the language of these despatches very strongly bears out the view I have ventured to lay before your Lordships. The very first paragraph contains the report of a declaration made by the Emperor, of the extreme pleasure with which he had heard of the formation of Her Majesty's present Government; adding that he trusted it would be of long duration; and he desired that assurance might be conveyed to the Earl of Aberdeen, with whom he said he had been acquainted for nearly forty years, and for whom he entertained equal regard and esteem. He then in the very same conversation, on that very same morning—it was either on that or the following day, certainly at no more distant period—he referred at once to the conversation which he had in England in 1844, in a manner which evidently shows that he thought the time had arrived when the understanding then entered into might be acted upon. And here I must say that, on looking at these papers, whatever now may be the faults we have to find with the Emperor of Russia—and I am not standing here as the apologist of his course of policy—I do not think we have any right to say that he has wilfully deceived this country. On the contrary, as between the two parties, I think the Emperor of Russia has much more reason to say he has been misled by the conduct pursued by the British Government, not only by the antecedents—not only by the individual who found himself at the head of the British Government at that moment—but by the correspondence now laid on the table for the purpose of proving that, in the estimation of Her Majesty's Government, on the 25th of April last there was not the slightest reason to apprehend any danger to the peace of Europe from any undue aggression by Russia. The question still remains, what are we going to war about? The noble Earl concurs with me in saying—to put down and destroy this assumption of the protectorate of Russia over Turkey. Now, my Lords, has Russia upon any occasion concealed her determination to claim that protectorate? Has she ever varied in the interpretation she seeks to put on the treaty of Kainardji? Has she ever gone from the determination to obtain that interpretation, by negotiation if possible, but if not by negotiation then by menaces, and if not by menaces, then by force? The claim to a protectorate is put very broadly forward by Russia in a conversation detailed in a secret and confidential despatch from Sir Hamilton Seymour to Lord John Russell, received 6th February, 1853. In that communication Sir Hamilton Seymour reports the Emperor of Russia to have said to him in conversation:—

> "In the Turkish empire there are several millions of Christians, whose interests I am called upon to watch over, while the right of doing so is secured to me by treaty. I may truly say that I make a moderate and sparing use of my right, and I will freely confess that it is one which is attended with obligations occasionally very inconvenient; but I cannot recede from the discharge of a distinct duty. Our religion, as established in this country, came to us from the East, and there are feelings, as well as obligations which never must be lost sight of."

Now, my Lords, observe, this right, which the Emperor states is secured to him by treaty — the right of protectorate over many millions of the subjects of the Sultan—is the very right which we are now going to war for the purpose of repelling. What was the answer of the British Minister to that declaration? But first, my Lords, I may say that the correspondence to which I refer makes perfectly clear what were the intentions and the hopes of Russia. The Emperor again and again refers to the arrangement of 1844—namely, the union of England, Russia, and Austria, in dealing with the affairs of Turkey. He declared that he does not desire any extension of territory, but at the same time he insists upon the maintenance of his protectorate, which is equivalent to territory, in its full power and to its full extent; and he subsequently does not disclaim the occupation by himself provisionally even of Constantinople itself—not for the purpose of securing a permanent footing there, but as a means of obtaining the recognition of the protectorate which he demands. He says:—

> "Maintenant je désire vous parler en ami et en *gentleman;* si nous arrivons à nous entendre sur cette affaire, l'Angleterre et moi, pour le reste peu m'importe; il m'est indifférent ce que font ou pensent les autres. Usant donc de franchise, je vous dis nettement, que si l'Angleterre songe à s'établir un de ces jours à Constantinople, je ne le permettrai pas. Je ne vous prête point ces intentions, mais il vaut mieux dans ces occasions parler clairement; de mon côté, je suis également disposé de prendre l'engagement de ne pas m'y établir, en propriétaire il s'entend, car en dépositaire je ne dis pas; il pourrait se faire que les circonstances me misent dans le cas d'occuper Constantinople, si rien ne se trouve prévu, si l'on doit tout laisser aller au hazard."

He speaks of occupying Constantinople provisionally; not only to invade Turkey —not only to take possession of the Principalities—but provisionally to occupy Constantinople itself, for the purpose of obtaining the recognition of his claim to the protectorate. What is the answer of the British Government to the declaration? My Lords, I do full justice to the language and to the principles and sentiments expressed by the noble Lord who at that time held the office of Secretary of State for Foreign Affairs. The answer of Lord John Russell was the only answer which a British Minister could give, or which any man of honour could give, to such a proposition—namely, that they could not enter into any engagement which was to be kept secret from the other Powers of Europe; that, were such concealment possible, it would not be consistent with the end of preventing an European war; and that, moreover, such an agreement would only tend to accelerate the contingency for which it was intended to provide. But while I do justice to the manner in which the proposition of the Emperor was received by the British Minister and the British Government, I must call the attention of your Lordships to a most serious error which it appears to me was committed by the noble Lord, who, in his answer to the despatch from Sir H. Seymour, distinctly recognised the whole principle which we are now about to go to war for the purpose of repelling and repudiating. While he denies any—I had almost said complicity—but any concurrence in the views set forth by the Emperor of Russia for the ultimate partition of Turkey, he says:—

> "The more the Turkish Government adopts the rules of impartial law and equal administration, the less will the Emperor of Russia find it necessary to apply that exceptional protection which His Imperial Majesty has found so burdensome and so inconvenient, though no doubt prescribed by duty and sanctioned by treaty."

Now, my Lords, we are going to war to prevent the Emperor of Russia exercising a protectorate over a portion of the subjects of the Sultan, and in the first phase of these transactions, in almost the first page of that correspondence in which the Emperor of Russia is charged by the Government with having concealed his intentions, and with having misled them, the Emperor declares that he shall have recourse to negotiations, next to the use of menaces, and then, if menaces failed, to the use of force, for the purpose of establishing the Russian interpretation of the treaty of Kainardji and his protectorate over several millions of Turkish subjects; and the noble Lord then describes that protectorate as being "prescribed by duty and sanctioned by treaty." Well, my Lords, with that letter in his hands, in what possible way could the Emperor of Russia understand the course intended by the British Government except this—that they would enter into no engagement at that moment for the ultimate destination of the spoils of Turkey, but that they recognised his right to a protectorate, and that, recognising his right to a protectorate which was guaranteed to him by treaty, they of course extended to him the right conceded to every independent Sovereign and every independent nation, namely, the right of vindicating by force of arms that which is already secured to them by treaty. It appears to me that this letter of the noble Lord gives up the whole of the case for which Europe is at the present moment about to be involved in war. But, my Lords, the correspondence continues; and throughout the whole the Emperor declares his intentions with the utmost candour; and I am satisfied, that at this moment the Emperor of Russia is convinced in his own mind that throughout all these negotiations he has been perfectly frank, open, and unreserved with the British Government in regard to his intentions. Her Majesty's Government appear to me never to have separated in their own minds two questions which are essentially distinct and separate, and which have all along been distinct and separate in the judgment of the Emperor, namely, the reparation which he demanded for an injury which he asserted had been done to him in consequence of the interpretation put by Turkey upon the treaty of Kainardji, and that other, and widely different question, what should be the ulterior disposition of the various members of the Turkish empire when that empire should finally fall to pieces. With regard to the second of these questions, the Emperor expressed himself anxious and ready to communicate, and, in point of fact, he did communicate, most frankly and unreservedly, with the British Government. With regard to the first, there is no proof whatever that he recognised the right of the British Government in any way to interfere. He claimed the liberty of asserting for himself rights which he declared—and the British Government assented to the declaration — were secured to him and sanctioned by treaty. My Lords, I say nothing of the manner in which the Emperor of Russia thought fit to treat his other ally, Austria, with whom the tripartite engagement was to have been entered into by England and Russia; but I must say that, as an example of supreme contempt, as an example of utter indifference to the feelings and honour of one nation or one person on the part of another, I know no parallel to it since the days of the Roman Triumvirate, except in the language put by Shakspeare into the mouth of Antony, when expressing to Octavius the estimation in which he holds Lepidus. Octavius says that Lepidus is a "tried and valiant soldier;" to which Antony replies:—

> "So is my horse, Octavius; and, for that,
> I do appoint him store of provender.
> It is a creature that I teach to fight,
> To wind, to stop, to run directly on;
> His corporal motion governed by my spirit.
>
> . . . . .
>
> Do not talk of him,
> But as a property."

Now, my Lords, since that celebrated conversation, in which two of a party frankly intimated their opinion of the merits and importance of the third—having in view especially the ultimate consequence of the conference to the absent Lepidus—I know no parallel to it, except that of the Imperial Antony unbosoming himself to Sir Octavius Seymour with regard to Austria. But, my Lords, the Emperor of Russia, whatever may be said of his conduct to Austria, has, at all events, been candid, frank, and open to the British Government; for, after the last of the communications from Lord John Russell to which I have referred, he proceeds to expound and develope his scheme for the ultimate partition of Turkey, assuring the British Minister that, if he imagined there was any vitality in Turkey, his accounts had miserably deceived him, that the moment of the dissolution of Turkey was at hand, and that it was essential to come to an immediate determination as to what ought to be done; and then went on to explain not only what he would not do, and what he would not permit, but also what he should consider as a reasonable mode of arriving at a satisfactory solution of the Turkish question. He said:—

> "I will not tolerate the permanent occupation of Constantinople by the Russians. Having said this, I will say that it never shall be held by the English or French, or any other great nation. Again, I never will permit an attempt at the reconstruction of a Byzantine empire, or such an extension of Greece as would render her a powerful State. Still less will I permit the breaking up of Turkey into little republics."

Having said what he would not do, he proceeds to what he will do. I quote from a despatch from Sir H. Seymour:—

> "He thought it might be less difficult to arrive at a satisfactory territorial arrangement than was commonly believed. The Principalities are, he said, in fact, an independent State under my protection; this might so continue. Servia might receive the same form of government. So again with Bulgaria. There seems to be no reason why this province should not form an independent State. As to Egypt, I quite understand the importance to England of that territory. I can then only say, that if, in the event of a distribution of the Ottoman succession upon the fall of the empire, you should take possession of Egypt, I shall have no objections to offer. I would say the same thing of Candia. That island might suit you, and I do not know why it should not become an English possession."

Again:—

> "In dismissing me, His Imperial Majesty said, 'Well, induce your Government to write again upon these subjects—to write more fully, and to do so without hesitation. I have confidence in the English Government. Ce n'est point un engagement, une convention, que je leur demande; c'est un libre échange d'idées, et au besoin une parole de *gentleman*; entre nous cela suffit.'"

Now, my Lords, how was that proposition received by the British Government? No doubt they repudiated the idea of any territorial aggrandisement—no doubt they repudiated the idea of keeping up an understanding with Russia which was not to be known by the other Powers—but with regard to the negative propositions of the Emperor, the British Minister entirely concurred in the whole of them. Lord John Russell, the predecessor of the noble Earl opposite, had declared his opinion that—to use a common expression now—the ventilation of this question had a material tendency to accelerate the fall of Turkey, and that, consequently, it would be better to avoid discussions and negotiations on the subject. The noble Earl opposite, I presume, entertained a different opinion, because, though he adhered to the policy laid down in the despatches of Lord John Russell, yet he gladly complied with the request of the Emperor, that the subject should be further and frankly discussed; and, having complied with that request, he went on to say:—

> "Her Majesty's Government entirely share the opinion of the Emperor, that the occupation of Constantinople by either of the great Powers would be incompatible with the present balance of power and the maintenance of peace in Europe, and must at once be regarded as impossible; that there are no elements for the reconstruction of a Byzantine empire; that the systematic misgovernment of Greece offers no encouragement to extend its territorial dominion; and that as there are no materials for provincial or communal government, anarchy would be the result of leaving the provinces of Turkey to themselves, or permitting them to form separate republics."

Well, now, there are only a certain number of ways of dealing with the partition of Turkey. The Emperor of Russia declares that he would never permit England to occupy Constantinople—that he will not permanently occupy it himself—that he will not allow the establishment of a Byzantine empire; but he tells you what he thinks would be a very easy and agreeable arrangement. In your answer you say nothing abont the easy and agreeable arrangement which he proposes; you merely say that you cannot enter into any engagement without consulting the other Powers; but, with regard to all those suppositions which he excluded, you exclude them also; and, after you have done so, and after you have thus assumed the impossibility of the independence and integrity of Turkey, I want to know what more the Emperor could desire, fully satisfied as he must have been that you concurred with him in the necessity of a protectorate, by himself over a portion, and by yourselves over another portion, of the Turkish empire. My Lords, it appears to me that the Emperor has some reason to conclude, as he does conclude, from the despatches of the noble Earl opposite, that, with regard to the ultimate arrangement of the affairs of Turkey, he and Her Majesty's Government were perfectly agreed, and were acting entirely in concert. But with respect to the other question, which Her Majesty's Government seem to have perpetually misunderstood—namely, his vindication of his own right to his own protectorate, and the subsequent mission of Prince Menchikoff for the purpose of enforcing that claim—there is not a single passage to be found in the whole correspondence by which it can be shown, or attempted to be shown, that the Emperor ever abandoned his interpretation of the treaty of Kainardji, or ever departed from his right of enforcing that treaty by force of arms, if necessary. Now, my Lords, I will not say—I am far from saying—that the interpretation which the Emperor of Russia puts upon the treaty of Kainardji is an interpretation which can be borne out by facts. I concur entirely with the declaration made by the noble Earl opposite when, referring to the seventh and eighth articles of the treaty, he showed that while the seventh provided for the protection of the Christian subjects of the Porte by the Porte itself, the eighth specially limited the right of interference on the part of Russia to one particular case, which it was attempted by the Emperor to expand into a general protectorate over the whole Christian population of the Turkish empire. I say the argument of Russia is untenable and indefensible, and that its adoption and execution would be dangerous, if not fatal, to the interests of Europe. It would be the destruction of Turkey; and I say that the British Government had a clear and perfect right to advise the Sultan—while the Sultan in turn had an equally clear and undoubted right to anticipate that advice—never to accept the Russian interpretation of the treaty. But as the Emperor never acknowledged your right to interfere in the matter—as he always, on the contrary, treated the question as one which concerned himself only—as he never concealed his views on the subject or denied that he was determined to enforce those views—there is not the slightest ground for Her Majesty's Government to complain that they have been misled or deceived. That, however, with all these declarations and propositions which emanated from the Emperor, and which we now find embodied in public documents—with all the warnings which the Government received from their Ministers at St. Petersburg, Vienna, and Constantinople—the noble Earl at the head of the Government should declare on the 25th of April that he entertained no apprehension of a disturbance of the peace of Europe, arising out of the affairs of Turkey, and that he had received the most solemn assurances from the Emperor of Russia of his desire to act entirely with the British Government, appears to me an example of political blindness not very complimentary to the sagacity of the noble Earl. Yet from that imputation of political blindness the noble Earl opposite cannot escape except by subjecting himself to a charge, which I certainly am not disposed to advance—namely, that of political connivance. I say at once that I acquit the noble Earl opposite (the Earl of Clarendon), as well as the noble Earl at the head of the Government, of having at that time any desire to favour the ulterior views of Russia.

The Earl of ABERDEEN: At what time?

The Earl of DERBY: The 25th of April.

The Earl of ABERDEEN: What did we connive at?

The Earl of DERBY: The noble Earl knows that better than I do. It certainly is not for me to pry into the secret recesses of the imperturbable mind of the noble Earl opposite, who certainly contrives to keep his own counsel, both here and elsewhere, by dint of a solemn and persevering silence such as I have seen in no other Minister. Well, my Lords, I say again that as far as this country is concerned it has no cause to complain of having been misled by the Emperor of Russia with regard to his ulterior intentions. I say that those intentions are of a character most dangerous and most formidable to the peace of Europe. I say they are intentions which it is impossible for Her Majesty's Government or for this country not to resist by every means in their power; but I again repeat that which I have urged upon your Lordships before, that, supposing the view which is taken of the intentions of the Emperor of Russia to be correct, if at that moment, when the Russian forces crossed the Pruth, and took possession of the Principalities, the noble Earl opposite had then pointed out to the Czar that he was following a course, not only inconsistent with the ordinary rights of nations, and the ordinary course of political proceedings, but wholly inconsistent also with those engagements into which he had entered with the British Government themselves, then, if the Emperor did not recede from his unjust demands, we should, at all events, have known what to do, and we should no longer have blinded ourselves to the consequences which would inevitably come. I say, my Lords, from that period when, disregarding the ordinary course of nations in dealing with each other—disregarding even the solemn engagements entered into with the British Government, who thereby acquired a right to interfere—the Russian forces crossed the Pruth, in my conviction and belief either absolute submission to Russia or war with Russia was irresistible.

My Lords, I will not go through the whole mass of diplomacy, of negotiations, of protocols, and of notes which followed that event; but I would remark to the noble Earl opposite that the Vienna note, of which he speaks as having been rejected by the Emperor of Russia, and rejected apparently to his extreme surprise, after having been amended on the part of Turkey, was refused to be listened to by the Emperor of Russia, for precisely the same reason which induced him in the first instance to accept the unmodified note, and for the same reason likewise which induced Turkey to insist upon its modification, namely, that in its original shape the Vienna note, adopting the spirit, if not the language, of a previous despatch from Lord John Russell, granted to the Emperor of Russia that protectorate which every one admits to be dangerous to the peace of Europe. The British Government were compelled to confess that Turkey had reasons, on the one hand, for rejecting, and that Russia had reasons, on the other, for accepting that note.

My Lords, it is not without considerable uneasiness that I find this country embarked in a most formidable and what I fear will be a protracted war. I have the fullest confidence in the good understanding which has been established between this country and France. I think we have had upon the part of France, from the moment of the memorable declaration, "L'Empire c'est la paix!" down to the equally remarkable declaration, "Le temps des conquétes est passé sans rétour!" abundant evidence to convince even the most sceptical of the entire good faith and *loyauté* of the Emperor of the French. My Lords, it may be that at a time not very far distant, when it was found necessary in this country—and I rejoice that it was found necessary, for if they had not been made then those preparations would have to be made now—to increase our military and naval forces, there might be many who doubted, not, perhaps, the intentions of that extraordinary man who had raised France from anarchy and confusion, and placed her in the foremost rank of the nations of Europe, but the unsettled state of the country itself, and the confusion and tumult of parties into which it was divided, and whether it would be in the power of any single mind, however great, and of any intellect, however commanding, to reunite and bring under control all those parties, and, above all, to extinguish, and boldly to proclaim his determination to extinguish, that which in the mind of Frenchmen is the strongest of all passions—the thirst for military glory and the ambition of military power. At that time, some alarm was created by the seeming impossibility I have mentioned; but now,

> "Via prima salutis,
> "Quod minimè reris, Graiâ pandetur ab urbe."

But, my Lords, we cannot forget that the quarter from which we are now threatened with a disturbance of the peace of Europe and with an unprovoked aggression upon the territories of an independent power, is the very quarter which at that time was most anxious to instill suspicions against the good intentions of France, to warn us of the territorial aggressions which were said to be meditated by France, and to insist strongly upon the maintenance of the treaties and of the territorial *status quo* of Europe.

My Lords, I say that I look with anxiety to the commencement of this great struggle, not that I doubt of the continuance on the part of my countrymen of the patient endurance of such sacrifices as they may be called upon to make—not that I think they are merely actuated by a blind and momentary enthusiasm in what they believe to be a just cause, and in the expectation that the object of it will be obtained at a slight sacrifice; but because I foresee that the war in all probability will be a long and arduous one, and because I cannot but feel that our recent financial arrangements have been made in accordance with an unwise policy, and not been such as could place this country in an advantageous position for entering upon a war. I cannot forget that last year, after the danger of war had become imminent, in spite of all that could be said both in and out of Parliament by persons of the highest authority in such matters, a financial scheme was brought forward and was applauded to the echo, more especially by the noble Earl opposite, as a very model of financial science and an example to all future Chancellors of the Exchequer, but which nevertheless proved completely abortive, as had been foreseen; and I cannot forget, also, that, in spite of the remonstrances of a noble Earl whom I see near me, there was, with a war impending over us, a gratuitous and unnecessary sacrifice of revenue to the amount of about 1,000,000*l*. annually. It is true that my noble Friend warned Ministers against that sacrifice, at a time when they were proposing to continue the income tax; but it was continued with a declaration that its continuance was to be limited to a very short period, and that at the expiration of that period it should finally cease. What is the case now? We find ourselves in the position of having lost the greater portion of our balances in the Exchequer; we find ourselves in the position of having lost the revenue derived from soap and other articles; we find ourselves under the necessity, in order to provide for the emergencies of war and for meeting our deficiency bills out—in consequence of the course pursued by the Chancellor of the Exchequer, we find ourselves compelled to double the income tax, and to do that, moreover, under the plea of taking the double income tax for the first half-year only, in order to meet a temporary deficiency. Now, I want to know in what position we are likely to be at the expiration of the first half-year? No human being imagines that this war can be brought to anything like a close within the period of six months. No human being believes that the estimates which have been submitted to the House of Commons will be sufficient to meet even one-tenth part of the expenses which the Government are bringing on the country. No human being, I think, will contend, or can believe, that direct taxation, by means of the income tax, will defray the current expenses of the war. I say, then, that if, at the moment when you are entering into that which must, I am afraid, be called a protracted war, you have deprived yourselves of the means which were formerly at your disposal—if you have cut off a large source of revenue which was at your command—if you have anticipated your future outlay—if you have been obliged to disregard the pledge which you gave last year, that you would put an end to the income tax in the course of seven years—and if you have declared it to be the intention of the Government not to anticipate the revenue of the country, but to make the present generation pay, year by year, for the whole expense of the war—I tell you you will find that line of policy simply impracticable. My Lords, it is absolutely impossible, especially if you intend to limit the incidence of taxation, and to make that taxation bear directly on property by means of the income tax—I think it possible in no case, but especially not in such a case as this, that the current expenses of the war can be borne by the current revenue of the country. At all events, if they are to be so borne, it must be by the destruction of your whole system of currency as it at present exists—it must be by recurring to a depreciated currency and an unlimited issue of inconvertible paper money. In that way you may, if you think fit, defray the current expenses of the war; but if you maintain your present metallic currency, and the stringent law of 1844, it will be utterly impossible year by year to pay the expenses of the war out of the ordinary revenue of the country. Now, my Lords, I think it is right that we should look to these circumstances and to these dangers, ay, even to the sustaining national failures and national disgraces in the first instance. We must look at the state of our preparations, and be careful that we are in a state of continued and progressive preparation for a continued and formidable struggle. Our present means as regards men, we are exhausting by an effort, mighty indeed, for the preparation of a great military demonstration—for it can hardly be more than a military demonstration, whatever may be the magnitude of the preparations of your fleet; but you are taking almost every man whose service at the present moment you can dispense with. But, my Lords, you must be preparing your resources—you must not raise the whole of our forces—pensioners, coastguardsmen, and all—in the first instance. If you do that, you put the honour of England, the security of the country, and the liberties of Europe upon the hazard of one fearful throw, and you will expose yourselves to dangers and disasters such as this country never witnessed heretofore. My Lords, you are now embarking in an arduous war. I give the noble Earl opposite and the Government credit for everything they have done in the interest of peace, and to postpone—if possible, to prevent—the horrors of war. I do not think that their measures have been either skilfully combined or judiciously adopted; but I give them full credit for a desire to avert war if possible; and I give them equal credit now that they have entered into war, for a desire to carry it on in a manner befitting the dignity and honour of this country. But that being so, there must now be no hesitation, no tampering, no pottering with the question of a few hundred thousand pounds, more or less, in the expenditure of the year. What the Government should say is, "We have a great object before us, and that object we will and must attain, at whatever cost and whatever inconvenience. We appeal not to the enthusiasm, but to the perseverance of the country. We appeal to the patriotism of our opponents—we appeal to all classes who are interested in the honour of their common country." If they do make that appeal, believing the war to be in itself a just and righteous war, I am confident it will not be made in vain, either in this House or in the country at large.

Now, my Lords, one word more in reference to some of the points touched upon by the noble Earl the Secretary of State for Foreign Affairs. The noble Earl has explained to us the reason which renders it impossible for him, technically speaking, to lay on the table of the House the convention entered into with France. He says, notwithstanding, that that engagement is as clearly binding upon both Governments as if it were embodied in the more regular form of a treaty.

THE EARL OF CLARENDON: I said there was an honourable understanding.

THE EARL OF DERBY: There is an honourable understanding; but we are called upon to go to war on the faith of that honourable understanding, and I do think it is right that the Parliament of England, at the moment when war is at our doors—when we are entering into a struggle, the issue of which no man can foresee—should know at least to what it is we have pledged ourselves and our allies. I agree with the noble Earl that it is quite impossible we could now declare what are the terms upon which, and upon which alone, peace may be restored to Europe; but I presume there is something in the shape of a *sine quâ non* about which we are going to fight. We are not fighting for the mere evacuation of the Principalities, or for the mere restoration of the original state as between Russia and Turkey. We are not about to enter into a war in which the Russians will be permitted to retire whenever they please, on terms under which their claims may be revived and repeated. I confess, my Lords, there is one—but only one—passage in the Address of which I do not entirely approve. I am not disposed to move any Amendment to the Address. But I confess I should be glad to see, in addition to the announcement, that there is to be a "vigorous resistance to the projects of a Sovereign, whose further aggrandisement would be dangerous to the independence of Europe;" that some security is to be taken, that the unjust pretensions of the Emperor shall not again and again be brought forward; but that, having been once repelled, measures should be taken in order to prevent their repetition. Now, my Lords, the treaties between Russia and Turkey are at an end in consequence of this war; and I say, and I hope to hear the Government say also, that there can be no safe or satisfactory termination of this war, unless, in any treaty which may be adopted for regulating the future relations between Russia and Turkey, there is an absolute negative placed upon the interpretation which the Emperor of Russia has attempted to put upon the treaty of Kainardji, and unless there is some guarantee afforded for the observance of that understanding and for the maintenance of that treaty. I do not ask anything further, but I do ask the Government to explain a little more distinctly than has been done by the noble Earl opposite, what are the engagements into which we are entering, or have entered. My Lords, I rejoice to hear that there is no stipulation with regard to any protectorate over the Christian subjects of the Sultan, such as would have placed us in a position as false as that of Russia; but I do think it not unreasonable, when we are about to go into a war, to ask what are the engagements to which Her Majesty's Government have pledged us, and for the maintenance of which we are about to shed the best blood and a large portion of the treasures of the country? It is reasonable also to ask, what are the objects for which this war is to be undertaken, and what are the ends to be accomplished before it can be brought to a successful termination? For my own part, I intend to offer no opposition, no amendment, no qualification to the terms of the Address. I cordially join with Her Majesty's Government in the tone, the language, and the spirit of that Address. As I believe that this war is a just and necessary war—a war undertaken in a righteous cause—and as I think it is a war necessary for the preservation of the liberties of Europe and the repression of the encroachments of Russia; so I feel, with my noble Friend, that we may look with more confidence and hope, and less in a spirit of blasphemy than characterised Russia on a recent occasion, that we may look with humble confidence, having done all in our power to avert the horrors of this war, having failed in these endeavours in consequence of unjustifiable pretensions on the part of Russia—having endeavoured, not with any motives of self-aggrandisement, or with any designs of ambition, but for the purpose of defending the weak and succouring the oppressed, to resist the pretensions of Russia — we may look with humble confidence to the protection of that Great Power in whose hands are the hearts of kings and the destinies of nations; and, as the armies of England will never be employed in a more honourable cause, so I trust they will bring the war in which they are engaged to a conclusion, than which none has ever been more honourable or more glorious.

THE EARL OF ABERDEEN: My Lords, your Lordships have now an opportunity of remarking the nature of that support which the noble Earl, in a spirit of patriotism, has thought proper to offer Her Majesty's Government. I presume we must be grateful for what we have received; but I confess that I trust we shall receive from your Lordships and from the country a very different support. My Lords, the noble Earl has confined a large portion of his speech to what may be called a personal attack upon myself, and the transactions in which I have been concerned. Now, before I take notice of that attack, I will admit with the noble Earl, that I am one of those who have, as he says, "hoped against hope," and to the last moment I have preserved the opinion that that greatest of blessings which a country can enjoy would still be preserved to us. I think, my Lords, I could give your Lordships good reasons for the hopes which I entertained; but that subject has been so much discussed, and these topics have been so much exhausted, that I should unnecessarily weary your Lordships by explaining the grounds and the motives which induced me to entertain that belief; and especially is it unnecessary for me to do so because, unfortunately, those hopes have been fallacious. The noble Earl first stated that he was persuaded that this war, much as he lamented it, would never have taken place had I not had the misfortune to be at the head of the Government of this country. He referred to the remarks made by the Emperor of Russia to Her

Majesty's Minister at St. Petersburg, in which His Majesty was pleased to express an opinion favourable to myself personally, and to allude to the long acquaintance which he was pleased to recollect he had had with me. Now, on that I will say, that I, of course, cannot but feel flattered by the good opinion of any Sovereign in alliance with our own Queen—and that was the condition in which the Emperor of Russia stood at that time; and I confess I see nothing to be ashamed of in the good opinion expressed of an humble individual like myself, by a Monarch in alliance with Her Majesty. But the noble Earl is not without his compliments also. At the instant the noble Earl assumed the head of affairs in this country what happened? Why, the Austrian Government wrote to congratulate him; and the noble Earl who was then Secretary of State for Foreign Affairs (the Earl of Malmesbury) returned a despatch full of gratitude to the Emperor for that congratulation. And this congratulation was offered by the only Minister whom I ever recollect in Austria as the bitter enemy of the English nation. That was the great distinction of Prince Schwarzenberg beyond that of any other Austrian Minister. Now, my Lords, I have had no congratulation from Austria, notwithstanding I have been longer formally in connection with that Government than even the noble Earl opposite, and, indeed, have been even branded in this and other countries as "the pupil of the detested Metternich," but no congratulations have reached me from that quarter. And I am ashamed to say that even the congratulations of His Imperial Majesty, through Sir Hamilton Seymour, were received by me without any notice, and without that profound sense of gratitude expressed by the noble Earl opposite in the case of Austria. The noble Earl next proceeded to deal with this "memorandum" prepared in 1844, upon which he has dwelt a great deal, and out of which he fancies he has made a great discovery, and turns to great account. He even thinks that there is a correspondence connected with it, and that there must be something more yet to be produced. How it is that he has formed that opinion I am unable to state; but I can only say that everything which exists in connection with the subject is on your Lordships' table. With respect to the memorandum itself, its history is briefly this:—When the Emperor of Russia was in this country, in some conversations which he had with the Duke of Wellington, with Sir Robert Peel, and with myself, he repeated the apprehensions which he entertained of the probable dissolution of the Turkish empire, and expressed his anxiety as to the consequences which must necessarily ensue from such a European calamity. The whole drift, and the only particular effect, of this memorandum is simply this—to request us to do nothing, or, at all events, to do nothing without an understanding and previous concert with Russia—but not at all to the exclusion of other Powers—not in the least. It is quite true that the Emperor, as your Lordships well know, treated in the same cavalier manner the Ministry of the dynasty which then ruled in France as he has treated the present Government of that country, and therefore he put out of the view any concert with the French Government; but he never insinuated in the slightest degree that we were precluded from communicating with the French Government on this subject; and, further than this, the fact is, that I myself personally communicated to the French Ambassador the substance of the conversations which had taken place. There was not, therefore, the slightest uneasiness on the part of France on that subject—not the least in the world; for, as I stated before, this memorandum has no other practical effect in the world than that there should be no separate action, in the event of that calamity taking place which the Emperor of Russia anticipated would happen to Turkey. This memorandum, after an interval of ten years, I see again; and I look upon it, on the whole, with great satisfaction. I see nothing to find fault with in it. It seems to me, always supposing the Emperor to have been well founded in his apprehensions of the dissolution of the Turkish empire—and of his sincerity I cannot doubt, whether he were well or ill founded in his apprehensions—but, acting upon that belief, I see nothing but that which is wise, and moderate, and judicious, in this memorandum. There are some portions of it particularly to be admired, and particularly such as your Lordships would do well to ponder and act upon in case of necessity. For instance, all relating to the interference with the Christian subjects of the Porte; and, in fact, I see nothing whatever to object to; and I should be perfectly ready again to subscribe to the opinions which it embodies, under the same circumstances as those in which this paper was drawn up. It is a very common notion—one which the noble Earl was not the first to give currency to—that this is part of a deep-laid plan of the Emperor of Russia, and that this apprehension of the speedy dissolution of the Turkish empire was but a pretext put forward as a means of engaging this country in his scheme of that partition of the Turkish dominions which was to be brought about under the specious pretext of that dissolution. I think the noble Earl near me (the Earl of Clarendon) has already said that he had no monopoly of those apprehensions. I confess that, on the part of myself, that apprehension is not of recent date, nor even of the date of 1844, but it was shared in by myself so far back as 1829. And I will give your Lordships the proof that I had these apprehensions. Your Lordships are aware that by what is called "the Treaty of London" it was the intention of Mr. Canning to erect Greece into a State under the suzerainty of the Porte, and not to make it an independent State. After the Peace of Adrianople, my opinion of the state of Turkey was such that I proposed to my noble Friend, then at the head of Government, to endeavour to change the intention of Mr. Canning, and to constitute Greece, if possible, into an independent State, as being more consistent with the interests of Europe, and as affording a better chance of Greece being independent of Russia, than if it continued to be connected with the Porte by the suzerainty intended by Mr. Canning. My noble Friend agreed with that view, and the other Powers assented to our proposition, and this in consequence of that very apprehension of the speedy dissolution of the Turkish empire which we entertained after the Peace of Adrianople. The independence of Greece was thus established upon a general concurrence in this opinion. Your Lordships will see that here was a practical proof of the apprehension which the noble Earl has treated as a mere pretext. The noble Earl, in the course of his remarks upon this memorandum, made some which I have had the benefit of hearing and reading before—nay, which I should not be very much surprised if, at the same time, they were being made in another place. But I have seen them before—I allude to a publication which is supposed to enjoy great authority, but, at all events, judging from its malignity and misrepresentations, the origin of it is not, perhaps, very difficult to imagine. Seeing, therefore, that it possesses some weight—even greater, perhaps, than the *Times*—I will venture to make an observation upon the contents of the last number of this publication, the *Press*—which I have just received—with respect to the memorandum, which is the grand *cheval de bataille* of the noble Earl, but which appears to me to be what is vulgarly called "a mare's nest." This article begins with a falsehood, but that was nothing more than might be expected. It states:—

> "In the year 1844 the Emperor of Russia visited our country. An estrangement having then taken place between England and France, His Majesty deemed the season appropriate for the advancement of a long-cherished project, and he seized the opportunity of personally accomplishing it, with the co-operation of an English Minister, between whom and the Count of St. Petersburg there had existed for thirty years relations of extreme confidence. That Minister was Lord Aberdeen, then Secretary of State in the Government of Sir Robert Peel."

Now, the falsehood to which I refer is, that there was the slightest misunderstanding between this country and France at that time. I know what is intended; it is intended to allude to the celebrated Tahiti affair, which did occur in 1844, which, though greatly exaggerated at best, and entirely owing its importance to the patriotic efforts of individuals and a part of the press in this country and in France, still had somewhat of a serious character. Undoubtedly, however, the Emperor of Russia visited this country in the first week of June in that year, and with respect to the Tahiti affair, the first intelligence of it was not received until early in August. Therefore that misunderstanding could not have invited the Emperor to indulge any hopes such as those set forth in the paper. The article also states:—

> "On his return to St. Petersburg, the Emperor instructed Count Nesselrode to draw up a memorandum embodying the understanding arrived at during his recent visit, and forward it to Baron Brunnow, accompanied by a private letter from the Emperor to Lord Aberdeen, in which he begged that if any inaccuracy were found in the document it might be corrected; but that, if approved, the memorandum should be accepted and preserved as 'the key of the relations between Russia and England.'"

Now, my Lords, I can only say that I know of no such letter. I think my Imperial and Royal correspondence is not quite so extensive as to prevent me from recollecting such a letter as this, and I can only say that I have not the slightest recollection of ever having received such a letter from His Imperial Majesty of Russia. The article next goes on to say:—

> "The Emperor succeeded in his first object. By the advice of Lord Aberdeen, he addressed himself to Sir Robert Peel and the Duke of Wellington. The Duke was always favourable to the Russian alliance."

Yes, his Grace was always favourable to the Russian alliance. And why was he so? His Grace was always favourable to it for the same reason for which he taught me to be favourable to it, because he thought it favourable to the interests of England. And I regret—deeply regret—although forced into a war which I believe to be just and indispensable—I deeply regret the rupture of our friendly relations with Russia. And therefore, not only was his Grace favourable to the Russian alliance, but I should hope that every man who values the interests of England is also favourable to the Russian alliance. It would not do to criticise his Grace, so the criticism was reserved for me. But the article goes on to say:—

> "Sir Robert Peel, full of tariffs, was entirely governed with respect to external politics by Lord Aberdeen. It was definitively settled in 1844, between the Emperor of Russia and the English Government, that the partition of Turkey, when it became necessary, should be transacted by Great Britain and the two Imperial Courts, without France."

Yes. The writer of this well knew, when he talked of Sir Robert Peel as thinking of nothing but tariffs, that the opinion of the Duke of Wellington was shared by that statesman, and I humbly endeavoured to act with them; and to this hour it is my endeavour to profit by their precept and example. I wish to be led by their light, and by their wisdom and guidance. I confess that, for myself, I have no intention whatever—indeed, I never think of contending for a moment with the noble Earl who has now left the House (the Earl of Derby)—but your Lordships will permit me to say that, with those two names, and acting with them, and with this memorandum approved and sanctioned by them, I care little indeed for whatever may have fallen from, or whatever may be the opinion, of the noble Earl. My Lords, I believe I have stated sufficient on this personal part of the subject. I have merely to add these few words—that, being now engaged in this war, I trust that, although to the last deprecating and resisting it to the utmost of my power, as far as I thought it

The Earl of Aberdeen

my duty to the country to do so, I do say that I do trust I shall not now be found deficient in carrying it on in such a manner as may lead to the only legitimate end of all war, that is, a lasting and enduring peace, upon terms consistent with the honour and dignity of the country. My Lords, I do not feel that, even if at this moment I make peace my first object and my first vow, if it is never absent from my thoughts, I am acting in a manner at all inconsistent with carrying on the war with vigour and energy. Your Lordships will recollect that the most virtuous character in our civil war, and the man most devoted to the cause in which he was engaged, even when arming himself for the combat, still murmured "Peace! Peace!" That is the feeling which is still uppermost in my heart; and while I trust that the war will be carried on with all the spirit and energy which becomes this nation, I still hope that its termination will be an enduring peace; and this feeling is one which I trust is shared by your Lordships.

THE EARL OF MALMESBURY: My Lords, there is no one of your Lordships who is more anxious than myself that we should all with the greatest unanimity concur in the Address to be presented to Her Most Gracious Majesty. I have already addressed your Lordships several times on this subject, and I regret that I should again have to trespass on your time; but I cannot refrain from expressing my extreme surprise that at a moment of such solemn import as the present, when your Lordships' minds, like that of the whole country, must be occupied with the perilous situation in which this country stands, that the noble Earl at the head of the Government should have made a speech like that which your Lordships have just heard. During the greatest part of that speech it is not too much to say that your Lordships have been convulsed with laughter. Instead of taking a statesmanlike view of the subject, and reassuring the country with respect to the dangers to which it is exposed, and the resources on which it has to rely—instead of showing how greatly superior at this moment is its position to that in which it stood fifty years ago, when about to enter upon a war—or going deeply into the question to prove the necessity of the war, and assisting the enthusiasm and spirit of the country by stimulating its hopes—the Prime Minister of England, at this important moment, should take up a weekly, and what he calls a scurrilous paper, and should lay it upon the table of your Lordships' House, and for nearly half an hour occupy your attention by reading some absurd extracts from this public print. The Prime Minister did not answer a single argument of my noble Friend, and did not think your Lordships worthy of hearing any reply to that eloquent and stirring address of my noble Friend; but merely read—what those of your noble Lordships who had nothing better to do might have read for yourselves—certain extracts from a weekly publication. Had the noble Earl been paid by the editor of the *Press* to puff his journal, I could have understood his object in reading what he himself describes as scurrilous nonsense to the House; but I think the Prime Minister on such an occasion should have occupied your Lordships' time with matters of a higher tone and a deeper consideration. The noble Earl, however, for a short time, made some remarks which seemed something like a reply to the speech of my noble Friend (the Earl of Derby) in reference to the congratulations the noble Earl had received from the Emperor of Russia on his accession to office, and he appeared to consider it as a very natural expression of feeling towards him. The noble Earl is accustomed to Royal compliments. He has been called by successive Sovereigns, "the dear," "the good," and "the excellent," and at this moment the usual manner in which the Pope speaks of him is "that estimable heretic." The noble Earl (the Earl of Aberdeen) takes exceptions to the remarks that have been made on the congratulations of the Emperor of Russia—for what reason I cannot see—for upon this occasion the expressions go a little further than mere empty compliment. The Emperor, while speaking to Sir Hamilton Seymour with such interest of the "dying man" whom he so often mentions, said, "We must come to some understanding and we should, I am convinced, if I could only hold out about ten minutes' conversation with your Ministers;" and then, perhaps not quite so sure of that, he says, "with Aberdeen for instance, who knows me so well, and who has as full confidence in me as I have in him." This was not simply that natural respect which we all feel for the noble Earl to which reference was made, but the compliment was paid because upon this particular question the Emperor knew well the sympathy between the noble Earl and himself. With respect to this memorandum, if my memory does not betray me, there has been an alteration or mistake in the endorsement. If I recollect rightly, the original was endorsed in this way, "Memorandum by Count Nesselrode, delivered to Her Majesty's Government, and founded on communications received from the Emperor of Russia during his Imperial visit to England in June, 1844." As now endorsed it runs, "Memorandum by Count Nesselrode, delivered to Her Majesty's Government, and founded on communications received from the Emperor of Russia subsequently to his Imperial Majesty's visit to England in June, 1844." The internal evidence of the document shows, and the noble Earl himself admits it, that this communication was made during the visit of His Majesty. The identity of the noble Earl with this document was distinguished from that of a mere Minister with an official document; and that this was the case is proved by another paper that has not been laid before your Lordships. This document has always been considered of the greatest possible importance, and one which was not to be communicated to the other Powers, although the noble Earl has stated that he did think it his duty to communicate the substance of it to the French Ambassador, but I should like to know whether he ever informed Count Nesselrode that he had made this confession to France. When I came into office I received the document from the noble Earl who preceded me in the office (Earl Granville); it was not kept in the archives of the office, but was delivered to each successive Secretary of State for Foreign Affairs. With it I received a note stating that it was a memorandum drawn up by Baron Brunnow as the result of the conferences between the Emperor of Russia, Sir Robert Peel, and Lord Aberdeen—the name of the Duke of Wellington was not mentioned. It is of little consequence whether this document was drawn up by Baron Brunnow or Count Nesselrode;—it was, if I understand it rightly, intended as a provisional, conditional, and secret arrangement between Russia, Austria, and England, to do certain things with respect to Turkey, and to that arrangement France—without any consent of her own—was to be obliged to concur. If any doubt exists upon that point, the single paragraph referring to that point will remove it. The document states—

> "For the purpose thus stated, the policy of

> Russia and of Austria, as we have already said, is closely united by the principle of perfect identity. If England, as the principal maritime Power, acts in concert with them, it is to be supposed that France will find herself obliged to act in conformity with the course agreed upon between St. Petersburg, London, and Vienna."

Now, I should like to know if the Emperor of Russia was aware of the noble Earl having communicated the contents of this document to the French Ambassador? Because, mark the progress of events! I had not been in office forty-eight hours before Baron Brunnow came to ask me if I had read the memorandum. I had not, then, however, received it from my predecessor. Baron Brunnow urged and pressed upon me the necessity of reading the document, and stated to me that he conceived it to be the key of our whole policy with Russia. From that moment, although I saw Baron Brunnow almost every day during the ten months I held office, it was never afterwards mentioned to me. Baron Brunnow must either have judged for himself that it was not likely that the Government of my noble Friend (the Earl of Derby) would concur in the policy marked out, or he was instructed from St. Petersburg to say nothing further to me on the subject. On the 8th of December, 1852, the Government of my noble Friend resigned; and immediately it was known at St. Petersburg who was the new Prime Minister, on the 11th of January, the Emperor of Russia opened up the subject to Sir Hamilton Seymour. Now I think that is evidence, considering that Lord Palmerston had been in office for a great many years, and might have been naturally supposed not to have concurred with that view—considering that during the whole of the time in which the Government of my noble Friend was in office not one word was said upon the subject, and that within five or six days after the intelligence of the accession to office of the noble Earl opposite the Emperor took up the thread of the propositions as broken off since 1844—that is, I think, sufficient evidence to convince almost any mind that the Emperor considered the noble Earl as ready to act upon the policy embodied in the memorandum. I should not have risen to make the statements I have, had not the reply of the noble Earl to my noble Friend appeared to call for them. In conclusion, I can only say, without expressing either approbation of the manner in which the negotiations have been carried on, or confidence in the probable vigour and judgment of Her Majesty's Ministers in carrying on this war—I give no opinion on these subjects—I think it my duty as a loyal subject, and as an Englishman anxious for the success of my country's arms, to support the Address which Her Majesty's Government has proposed for the adoption of the House.

Earl GRANVILLE said, he did not think it necessary that he should then enter into a discussion of the general question which had been brought under the consideration of their Lordships. But there were a few points in the speeches of the noble Earl who had preceded him which he did not wish to leave altogether unnoticed. The noble Earl who had just sat down was perfectly correct in stating that he (Earl Granville) had handed to him the memorandum in that box, as Lord Palmerston had handed them to him. Baron Brunnow had requested him to do so; but he owned that on reading it he had been rather surprised to find that there had not been more in so mysterious a document. The noble Earl had told them that, immediately after his appointment to the Foreign Office, Baron Brunnow had directed his attention to the memorandum of the Russian Government, drawn up in the year 1844; and the noble Earl had referred to that circumstance for the purpose of proving what he considered the extreme importance which the representative of Russia in this country attached to that document. But it seemed to him (Earl Granville) that that step on the part of Baron Brunnow might fairly be attributed to the interest which his Government began at that time to feel in the question of the Holy Places. With respect to the speech of the noble Earl who had spoken second in that debate (the Earl of Derby), he could not help observing that one portion of that speech seemed singularly inappropriate, after the explanations which had been given by his noble Friend the Secretary for Foreign Affairs with respect to the objects of the war; and in fact it would appear as if that portion of the noble Earl's speech must have been prepared before the discussion of that evening had commenced. When the noble Earl who had spoken last expressed his opinion that the noble Earl at the head of the Government had not entered into the subject of the war in a statesman-like manner and had hardly acted in a manner worthy of his position when he had referred upon so grave an occasion as that to an article in a weekly newspaper, it seemed to him

(Earl Granville) that that article derived an importance which it would not otherwise possess from the fact that it had been introduced into the speech of so distinguished a Member of that House as the noble Earl who was at the head of the late Government. The noble Earl (the Earl of Malmesbury) seemed to labour under an impression that the Emperor of Russia had been induced to attempt to carry into effect his ambitious designs in consequence of the retirement of the late Government from office. But whatever respect he had for the two noble Earls opposite, as the present Administration comprised men so distinguished in European diplomacy as the noble Earl at the head of the Foreign Office, the noble Lord the Leader of the House of Commons (Lord J. Russell), and the noble Lord the Secretary for the Home Department (Viscount Palmerston), he (Earl Granville) could not but think that the noble Earl assumed too much credit to himself and his Colleagues when he supposed that the Emperor of Russia had thought that the last change effected in the councils of the British Crown offered a favourable opportunity for the prosecution of his projects.

LORD BROUGHAM said, he could not help taking that opportunity of expressing his satisfaction that one noble Earl had taken occasion to state, what he thought it was most essential to have stated—that this contest in which we were now most unhappily, though most unavoidably, engaged, was not likely to be an easy contest—one unaccompanied with heavy sacrifices to this country—and, he must add, he feared it might not prove a very short one. It was most necessary that those things should be stated, in order to prevent any popular delusion as to the extent of the sacrifices which, he greatly feared, the country might be called on to make; and it was the more necessary, when their Lordships remembered that the Government, having most wisely and most consistently shown the utmost possible reluctance to enter into this struggle, had been anticipated by the popular voice expressing the popular feeling, which had been much more general and much more vehement in favour of hostilities than the desire of the Government, as appeared by the recent negotiations. That reluctance, he felt confident, would have been heartily shared by the great man whose name had been mentioned in the course of the debate, if he had been happily preserved to us. The Duke of Wellington, of all men, would have been most reluctant to have seen that peace which he conquered interrupted. But as we had been reluctant in beginning the war, in the same proportion, he (Lord Brougham) felt assured, would be found our vigour in carrying it on. We had on this occasion, happily, what we had not in former wars, not only a perfectly just cause, but a perfectly unanimous Parliament, and a united and zealous people engaged in supporting it; and we had also the inestimable advantage of an alliance with France, the Government of which had shown a wisdom, a firmness, and a good faith, throughout the whole of those transactions and negotiations, which it would be wholly impossible to praise too highly. But he wished he could say—with all his hopes of the success of our arms, and feeling nothing like alarm in reference to the impending struggle—he wished he could say he felt no anxiety regarding the possible result, not to the two allies, England and France, but to the rest of Europe. For as regarded the southern and central parts of Europe he owned he felt considerable anxiety. Nothing was more to be dreaded for the safety of the Continent than a war of what was commonly called "propagandism," and nothing was more to be deprecated than any appeal to insurrectionary movements—nothing more perilous to all our European neighbours. Nor can you wrap yourselves up as standing aloof, and indulge in the sordid reflection *quibus ipse malis careas quia cernere suave est;* for though secure in your insular position, and feeling no alarm from any risk your internal tranquillity may run, you are not without your part of the peril. Their Lordships might believe him that our prosperity is so bound up with that of the rest of Europe that nothing could happen, he would not say to carry disaster and desolation, but to extend discord and disturbance over the southern and central parts of the Continent, which must not put our own interests in jeopardy. Towards avoiding that great calamity, he looked to the wisdom and the firmness of certain of the German Potentates. With respect to Austria he had no fear; and if all the rest of the Germanic Powers took the same view with the Emperor and his sage advisers, he believed the Continent would be safe from those insurrectionary movements to which he had alluded. None had so great an interest as they in preventing the extension and limiting the duration of the contest which had unhappily begun. As to the Power against whom that war was to be waged, he would merely say it was a common remark, sometimes applied wickedly as well as foolishly to the transactions of individuals in private life, that "You should always live with your friend as if he might one day be your enemy." But to the transactions of States this maxim was well and wisely applied; and there was another, alike applicable to States and to individuals, that "You should deal with your adversary as if he might one day be again your friend." Acting upon this sound maxim, he would fain shut his eyes to some passages in the correspondence now laid before Parliament, in which the conduct of our adversary is displayed in such colours as we naturally shrink from contemplating. Acting upon the same maxim, he would, if he could, forget scenes lately enacted in Asia—forget, if he could, scenes which it seemed beyond the power, the unlimited power, of their actor to exhibit—scenes which he should have thought exceeded the power of autocracy itself, eclipsing the atrocities of Ismail, and casting even the combined horrors and blasphemies of Praga into the shade.

Earl GREY said, he certainly did not rise with the intention of following any of the noble Lords who had preceded him into an examination of the events of the past, nor did he mean to make any objection to the Address which had been moved by his noble Friend. But he must confess that he was disappointed with the terms in which the Address had been drawn up. He had hoped that it would have been so framed that even he, much as he differed in opinion from many of their Lordships, should have been able to give his cordial assent to it without any reserve whatever. It was impossible, however, that he could do so, consistently with the opinions he formerly expressed in their Lordships' House in regard to this war. Those opinions were not changed. On the contrary, all that had happened since their last discussion of the subject, and all the additional information which had been laid before their Lordships, had only tended to confirm the opinions he then expressed. But having stated then very fully why he disapproved of the policy of Her Majesty's Government, and why he believed that this war might have been and ought to have been avoided, he would not do that which would be most irksome to their Lordships and himself, and again go over that ground. He was therefore prepared to look, not to the past, but to the future; and notwithstanding the terms in which it was expressed, he was ready to accept the Address as one not expressing or implying any opinion as to the past, or as to the conduct of either party in those transactions, but as simply pledging the House to support Her Majesty in that struggle which had now, unhappily, become inevitable. In that sense he concurred in the Address; and he was content merely to disclaim any participation in any further meaning that might be extracted from it. As the struggle was now unavoidable, he might be permitted to say there was no one of their Lordships and no one person in the country more anxious than he was for the successful termination of that struggle, and for the honour of the British arms. From the greater part of what had fallen from the noble Earl opposite (the Earl of Derby) he widely differed; but he concurred in one point of the noble Earl's speech—he meant in what the noble Earl said with reference to the financial condition of the country at the commencement of the war. He (Earl Grey) believed that that condition was one which was likely to lead to very serious embarrassment; and he could not help concurring with the noble Earl in thinking that, with the knowledge of the difficulties then impending, the measures adopted last year under these circumstances, and persevered in too long, were inconsistent with real prudence, and had placed Her Majesty's Government and the country in a situation of very great embarrassment. He also believed that the provision that had been made for the expenses of the war was, as the noble Earl had stated, altogether inadequate to that object, and inadequate for it even if we could hope—which he (Earl Grey) could not do—that hostilities were likely to be concluded in a few months. He would, likewise, venture to allude to a subject to which he had adverted on the first night of the Session. He meant the inadequacy of the existing arrangements of the public departments connected with the administration of the Army for carrying on that most important branch of the public service during a state of war. But that was a subject which he considered of such urgent importance that he would take another opportunity of offering to their Lordships some remarks in reference to it; and he would, therefore, next week move their Lordships to call for the production of certain papers, which would show whether the

Government had taken any steps on the subject, and, if so, what those steps were; and in making that Motion he should venture to lay before their Lordships the arguments which led him to believe that a much more extensive change than that which he understood was at present contemplated was absolutely and pressingly required in the existing circumstances of the country. Before he sat down he must express the very great pain, and the anxiety, and solicitude for the future, with which he joined their Lordships in taking this last formal step for placing the country in a state of war. He could not concur in the vote which was to be the inauguration of a great war without saying how deeply he deplored the necessity which was now thrown upon us, and how entirely he concurred in those sentiments which, much to his honour, had been expressed on this point by his noble Friend at the head of the Government. When he remembered during that long European peace of which we were now witnessing the termination—when he remembered how much had been done for the moral and physical improvement of the inhabitants of this island—how much had been done for the general benefit of the whole human race by the freer intercourse of nations, by the diffusion of knowledge both moral and religious, and by the blessings of commerce and civilisation throughout the globe—when he remembered also how great as was the improvement that had been effected, small in proportion as it appeared to what was still required—when he also recollected that this peaceful progress which was going on year by year with accelerated steps was now to be cut short—that nations were now no longer to vie with one another in cultivating the arts of peace, and in increasing and extending the enjoyment of that commercial intercourse by which they were bound together, but that, instead of that, the energies of nations were to be arrayed against nations for their mutual destruction—when he reflected on the extent of human suffering that might be in prospect—the misery, privation, and famine resulting from the loss of friends near and dear, not only to our fellow-countrymen, but to our allies and also to our enemies—and when he thought of the victims which were to be offered up on the altar of war, he could not but deplore the commencement of a contest which would carry so many fatal consequences in its train. It was impossible not to feel respect for that great Russian nation, for their devotion to their Emperor and their country, which they believed to be a duty. He thought the Russian people was one which, under better guidance and better circumstances, had within it all the elements of a great and enlightened nation. He believed if peace had been continued, that by degrees light and knowledge, in spite of every effort to exclude them, would have penetrated even to the masses of Russia, and that by such means, in not many years, we should have obtained a more certain security against the designs of their despotic master than we should now do by the most successful war; for he (Earl Grey) was convinced that as that population became enlightened and civilised, and knew the real interests of their country, they would have ceased to be mere passive instruments for fulfilling the will of any one man, and to pursue a line of conduct opposed to their own interests. He could not, also, help referring with regret to the spirit with which he feared this war was pursued. He apprehended there was too much truth in what fell from his noble Friend at the head of the Government on the first night of the Session, when he said there were many persons in this country to whom the avoidance of war, and a reconciliation with Russia, would rather be a matter of disappointment than otherwise—that they would miss a subject of excitement; and that, instead of rejoicing, as they ought to do, in the restoration of tranquillity, they would rather regard it as a misfortune. He feared there was too much of a feeling prevalent that was unsuited to a solemn sense of our responsibility which would befit us on such an occasion—that there was a presumptuous confidence in our position, an eager, if not a fierce, desire to engage in mortal conflict with our enemy, and an unreasoning feeling of animosity, not only against the Emperor of Russia, but against his people, whom we ought not to regard with any such feelings. He was, however, happy to acknowledge that those feelings had received no encouragement from either side of their Lordships' House that night; that, on the contrary, nothing could have been more becoming than the tone and temper with which the prospects of war had been referred to on both sides of the House. But, although that had been the case here, he was afraid he was not mistaken in regard to the feeling that prevailed out of doors. He could not help reminding those who might be encouraging the feelings to which he had alluded, that they ought to remember that that was not the spirit in which a Christian nation ought to enter on a war; that those were not the feelings and dispositions which they were taught to believe were likely to bring down blessings on our arms; and that it became them at this solemn moment to bear in mind that "the race was not always to the swift, nor the battle to the strong."

The Earl of HARDWICKE said, that he rose for the purpose of performing what he considered to be a duty which he owed to his country and to his brother officers of the profession to which he belonged, and on which we mainly depended for the success of our present operations. He had no hesitation in saying, that, in his opinion, our force in the Baltic was not sufficiently strong. He believed that we ought not to have a less force at starting there than twenty sail of the line, fully manned by well-disciplined crews, in order to be successful in what we undertook. He felt persuaded that a niggardly use of the public money in the manning of our fleet would be productive of the most pernicious results. He would call upon their Lordships, and upon his fellow-countrymen generally, to be forbearing in the judgment they would form of the conduct of the gallant men who were prepared to shed their blood in the public cause, if those men should undertake no decisive operations until they should find that their crews had become thoroughly disciplined and effective. The strength of a ship depended entirely on the discipline of its crew. The seamen who were serving in the Baltic fleet were, for the most part, newly-raised levies; and though they might be gallant and active men, they must become disciplined in order to be effective. All mobs were useless; but of all mobs on the face of the earth, the most useless and the worst was a mob on board a line-of-battle ship engaged with the enemy. It should not be supposed that because our vessels were propelled by steam they were to be brought immediately into action, and were to conquer by the mere flash of their guns. Under these circumstances, he appealed to their Lordships, and to the people generally of this country, to exercise some patience in judging of the mode in which the commanders of our ships might be pleased to act, for it should be remembered that they ought not to act until they could calculate on meeting with success. Again, he should observe, that anything like a niggardly manner of dealing with our seamen would be productive of the very worst results. The seaman was a man of very peculiar character. Although he was prodigal of his money and of his food, when he received them, yet he calculated with the greatest nicety the amount of either which he might obtain. During the war with America, the American Government had been enabled to get British seamen to man their ships and to fight against their own country, loyal though those men usually were. And how had that been done? It had been done by means of the high wages paid in the American navy. It was only by pursuing a similar course that the Government of this country could get their fleets sufficiently manned at the present time, and the more especially as they seemed disposed not to have recourse to the system of empressment. He believed that we ought to have a reserve of twenty sail of the line, in addition to twenty sail of the line in the Baltic; and if we could obtain those ships and crews to man them, there could be no doubt that we should easily find plenty of gallant officers to command such a force.

The Marquess of LANSDOWNE: Although not at all disposed in the present stage of the debate, and after this question has engaged our attention some few hours, to ask your Lordships to prolong that debate, I cannot allow myself on an occasion like the present to acquiesce in perfect silence to this Address, little as has been the opposition which has been exhibited to it. Notwithstanding the observations, many of them severe and many of them uncalled for, of the noble Earl opposite relating to the conduct of the negotiations, I am happy to say that to the Address itself, and to the spirit in which it is framed, no opposition has been offered, save that which my noble Friend (Earl Grey) has offered to one sentence of it only, acting undoubtedly in perfect consistency with those opinions to which he has already lent the authority of his name. My Lords, I will not now go into the question at length connected with the general policy of Europe, which has formed the foundation of these objections on the part of my noble Friend; but I am most desirous, and that alone would have been a motive for me to rise, in the strongest terms to deny that which I will not say the noble Earl opposite has brought forward as a charge, but that which he certainly appeared to impute to the Government and its supporters—namely, that they have shown in the progress of these negotiations a want of appreciation of the difficulties of the contest in which we are about to engage, or a want of sense of the means with which it is necessary to carry on that contest. On the part of my noble Friend near me, and on my own part, so far as I have had the honour of sharing in the advice of these transactions, I do most distinctly deny that there has been at any time wanting the strongest sense of the difficulties of the contest we were about to engage in, of the magnitude of the means we were called on to employ, or of the greatness of the sacrifices on the part of the country, by which alone that contest could be maintained. But, my Lords, if we felt all this, were we not bound to feel something more? Were we not bound to feel that before we engaged the country in such a contest, we were bound to exhaust every means which negotiation and conciliation could suggest for the purpose of avoiding that contest and preventing its consequences? And that, my Lords, is the answer, and which I humbly think is a sufficient answer, to all those accusations which have been made, in and out of this House, against the Government of this country, of having placed too firm a reliance on the continuance of peace and of not having at once taken steps, the inevitable tendency of which would have been to produce and hasten that very war which it was their duty, as far as possible, to prevent. I must say, that throughout the whole observations and strictures made in this and the other House of Parliament, and by a portion of the press of this country, against the mode in which these negotiations have been carried on by the Government, and for its not having hastily plunged the country in a war by a more direct hostility against Russia at an earlier period, I have never up to this moment heard the particular period of the negotiation mentioned, at which we were bound at once to renounce all hope, to declare our want of faith in the Sovereign with whom we were negotiating, and to plunge the country into a war which would have brought with it a reaction in the public opinion of Europe against this country, this being a war in which it is of the greatest importance that we should carry with us the general sentiments and the public opinion of Europe. The noble Lord may say, that we ought to have been suspicious at one period, another noble Lord may point to another moment of these transactions — nay, everybody who considers the papers and the transactions to which they relate, has, I venture to say, in the infallibility of his own judgment, ascertained the precise point at which we ought to have detected the bad faith of the Emperor of Russia; and I have no doubt that, if the Government, like the painter who asked his friends to scratch out those parts of his picture which they did not like, asked every noble Lord to strike out the particular passages to which he objects, every line of ours in the blue books would be scratched out. We all know that in public transactions it is necessary to trust to the faith of Sovereigns, as in private life an individual will put his trust in the friend of many years, or an employer have confidence in one who has served him long; and when a friend betrays his trust, and employers are deceived by those whom they employ, it is by a long train of small circumstances that the violation of friendship is evinced, and then when utter want of confidence comes to be felt, then "trifles light as air" come to be "confirmation strong as Holy Writ." If the matter is to be examined in this House as in a court of law, to determine at what particular moment we ought to have changed a course which was suggested by a disposition to believe that a Sovereign whom not only all parties in this country, but in all countries of Europe, so much respected, was a man of honour and of character, whose word would not be forfeited, one whose declaration might be believed, I am convinced we shall stand blameless; and until some more specific charge shall have been brought forward, it cannot be said that we have failed in our duty to the country by abstaining, while there was any hope that action would not be required, from endeavouring to excite general suspicion in order to procure a joint action on the part of those whose united action would give us strength. If your Lordships look to the papers before the House, you will see that during the whole time, from the first moment that there was any reasonable ground for suspecting the projects of the Emperor of Russia, from the moment that there appeared any danger of the great calamity of war, no exertions have been spared to lead the other Powers to the same conviction as ourselves—Austria and Prussia, and all those countries which were more or less affected by doubts which the Government did not partake, and he must add by timidity in which he hoped it did not share;—and to induce those Powers to co-operate in that course of action which it was his firm belief, if it had been adopted at an earlier period, might have secured to us the blessings of peace. But it was not the fault of the Government, if other Powers did not at once see with the same eyes as we, or were not prepared to meet the danger with the same courage and vigour which this country has displayed. My Lords, the noble Earl who sits on the bench below me (Earl Grey) has said that he cannot go the length of approving of one paragraph in the Address which pledges us to resist any further aggrandisement of the Emperor of Russia. As to that point, without venturing to offer any opinion as to the precise terms or conditions on which we ought to be prepared to conclude peace, or what securities we ought to require for the future, I must say that I entertain a strong opinion, not only that the further aggrandisement of Russia ought to be resisted, but that, looking to the extent to which that aggrandisement has been already carried, and the uses to which her great power has been applied, the peace, and the security, and the happiness of Europe require that bounds should be set to it. To effect our object in this struggle, we must trust to Providence and to our exertions. I do not mean to say that those exertions must not be great; on the contrary, I believe that the country will be called on to make the sacrifices which the noble Earl opposite (the Earl of Derby), not with a view to alarm, but to prepare the country, has depicted. The calamities of war are great; it is attended with a loss of life which no man who is not inhuman can contemplate without seriousness and regret. Yet even in these sacrifices, even in this state of war, there are symptoms from whence we may derive consolation and satisfaction. The noble Earl has stated that the war is to be waged against a mighty Power—that, from the localities in which it is to be carried on, it will be a long and a difficult one; but at least we have this satisfaction, that it is not a dynastic war, a war most difficult to end—nor is it a religious war, a war which is never brought to an end without leaving lasting traces of the strife and hostility. I cannot but express my disgust at the hypocrisy which puts on the mask of religion, which seeks to make this a war of religion on the part of Russia—a war in which no religious principles are involved, and with which Christianity has nothing to do. But there is one thing connected with this war for which I think we owe a debt of gratitude to the Emperor of Russia. For many years there has been a growing disposition to amity, a tendency to good fellowship, between this country and France, which I have no doubt would have ultimately produced a conviction of the mutual advantages to be derived from a perfect understanding and confidence between them; but the Emperor of Russia has cemented these bonds, and has brought home to the feelings, not only of the Governments of the two countries, but of every individual in England and France, the advantages to be derived from the perfect confidence and friendship that have existed during the course of these negotiations. The Governments of the two countries have laid the foundations of a system of action of which I hope that the ultimate if not immediate success will remain on record, as a monument of the advantages to the two countries, and to the world, arising from their perfect amity and co-operation for the interest of both. I may take this opportunity of expressing my satisfaction at the system of action laid down in reference to neutrals and commerce, which must do honour to France and England in the eyes of the world, and which will have a beneficial action on the law of nations as applied to war. If we strike strongly, I have no doubt as to our success, whatever be the duration of the war. Before I sit down, I wish, without questioning the statements made by the noble Earl opposite (the Earl of Hardwicke) as to the profession to which he was so long an honour, to unite with him in imploring of the House and country not to expect too much from the gallant men who have gone forth so nobly at the first call in the cause of their country. Whatever defects may exist in our preparations, I must say that no blame can attach to the Government—no blame to any of the establishments. All that man could do has been done by every individual in the Horse Guards and Admiralty, and in every department, and nothing has tended so much to excite the universal admiration of Europe as the manner in which that splendid fleet has been equipped, which I trust will soon vindicate the honour of this country against her enemies. However, my Lords, we have acted in the whole course of the negotiations which have been so ably conducted and so ably explained to-night by my noble Friend (the Earl of Clarendon), I am ready to take my share of the responsibility of everything that has been done, and of everything that has not been done—of everything that has been omitted, not from negligence, but from a deliberate anxiety to preserve peace if possible, and when that could not be done, to gain the assent of Europe to our line of conduct, and by commanding public confidence, gain the best auxiliary for success in war and the attainment of peace. On these grounds I hope the House will agree to the Address.

Motion *agreed to, Nemine Dissentiente;* and a Committee was appointed to prepare the Address. The Committee withdrew; and, after some time, Report was made of an Address drawn by them, which, being read, as follows:—

"MOST GRACIOUS SOVEREIGN,

"We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return Your Majesty our humble Thanks for Your Majesty's Most Gracious Message, and for the Communication of the several Papers which have been laid before Us in obedience to Your Majesty's Command.

"We beg leave to assure Your Majesty of the just Sense we entertain of Your Majesty's anxious and uniform Endeavours to preserve to Your People the Blessings of Peace, and of our perfect Confidence in Your Majesty's Disposition to terminate the Calamities of War, whenever that Object can be accomplished consistently with the Honour of Your Majesty's Crown and the Interests of Your People.

"We have observed with deep Concern that Your Majesty's Endeavours have been frustrated by the Spirit of Aggression displayed by The Emperor of Russia in his Invasion and continued Occupation of the Provinces of Wallachia and Moldavia, in the Rejection of equitable Terms of Peace proposed under the Sanction of Four of the principal Powers of Europe, and in the Preparation of immense Forces to support His unjust Pretensions.

"These Pretensions appear to Us subversive of the Independence of the Turkish Empire.

"We feel that the Trust reposed in Us demands on our Part a Firm Determination to co-operate with Your Majesty in a vigorous Resistance to the Projects of a Sovereign whose further Aggrandisement would be dangerous to the Independence of Europe."

The Address was *agreed to;* and Ordered to be presented to Her Majesty by the Whole House: And the Lords with White Staves were Ordered to wait on Her Majesty, to know when She will please to appoint to be attended therewith.

Afterwards — The Lord Chamberlain *reported*, That Her Majesty had appointed *Monday* next, at Three o'Clock, to receive the Address of this House, at Buckingham Palace.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 31, 1854.

MINUTES.] PUBLIC BILLS.—2° Registration of Bills of Sale.
3° High Treason (Ireland).

DUNGARVAN ELECTION.

MR. NAPIER brought up the Report of the Dungarvan Election Committee.

House informed, that the Committee had determined—

"That John Francis Maguire, Esq., is duly elected a Burgess to serve in this present Parliament for the said Borough of Dungarvan."

And the said determination was ordered to be entered in the Journals of this House.

WAR WITH RUSSIA—THE QUEEN'S MESSAGE.

MR. SPEAKER having read the Queen's Message [March 27th],

LORD JOHN RUSSELL rose and said: Sir, in rising to move an answer to Her Majesty's Most Gracious Message, I have a deep sense of the solemn, I may say the awful, importance of the Motion that I am about to propose. It is now more than half a century since a Message of a similar import was brought to this House. For the period of nearly forty years this country has been in the enjoyment of the blessings of peace, and those blessings have been never more widely nor more extensively valued. The privileges of the people have been increased, their burdens have been diminished, and, with an increasing and prosperous commerce, wealth has been diffused throughout the country. We have had lately an exhibition of the pride, pomp, and circumstance of war; but it is impossible to think of war without reflecting at the same time of the bloodshed that it occasions, of the prosperity that it interrupts, and of the misery that it inflicts. It is, therefore, Sir, only from a paramount sense of the necessity that we should engage in this war that I appear here to advise this House to reply in terms of assent and encouragement to Her Majesty's Most Gracious Message. In performing this task I will endeavour to avoid, as much as I am able, consistently with doing justice to the subject—I will endeavour to avoid those questions which we have already discussed on former nights of debate; I allude to questions with regard to the conduct of the Government, as to whether more or less of protracted negotiations should have been undertaken—as to whether the tone which was adopted by Her Majesty's Government at certain periods of that negotiation was the best fitted to secure that honourable peace at which we aimed. I shall endeavour rather to point to the course which Russia has pursued, and to show that, unless we are content to submit to the further aggrandisement of that Power, and, possibly, to the destruction of Turkey—whose integrity and independence have been so often declared essential to the stability of the system of Europe—we have no choice left us but to interpose by arms. Sir, in referring in the first place to the affairs of Turkey, I should beg the House to remark that a great change has taken place in the internal condition of that country during the last twenty or thirty years. We are all acquainted with the system of violence and misrule which used formerly to prevail, and those who have watched the conduct of Lord Stratford will be aware what has been the advice which he has given, and what the beneficial effects that have flowed from it. Long acquainted with the affairs of Turkey, having deeply at heart the maintenance of that empire, he has constantly said (not yesterday nor the day before, but during a long series of years)—"The independence of Turkey cannot be maintained without the assistance of the other Powers of Europe; that assistance cannot be afforded unless Turkey shall adopt with regard to her subjects in general, and with regard to her Christian subjects in particular, those general rules of justice and fair treatment which are established by the public opinion of Europe." That advice, though not immediately nor fully adopted, has yet been so far followed that there has been a great improvement in the treatment of the subjects of Turkey—that the Christian subjects of the Porte, in particular, have derived great advantages from these changes—that they have enjoyed the free exercise of their religion—that they have prospered in their trade—and that their welfare has greatly increased under the Government of the Sublime Porte. Sir, this is a very essential and important part of this question; because, if I am not mistaken—and it is no new opinion of mine, for I have held it at least from the commencement of the discussions of last year—it is not the prospect of the decay of Turkey, it is not the fear of her immediate dissolution, which has incited the Russian Government to demands inconsistent with her independence, and to aggrandisements subversive of her territorial limits; but it has been the fear that the old system of Russia, the system of making progress gradually, of depriving Turkey of her dominions one after another, of interfering more and more with her internal government, would not be successful—it has been the fear that the Ottoman Government, instead of declining, would exhibit to Europe a Government of internal concord within and of power and strength without—it has been this fear which has impelled Russia to what I believe will be found an unsuccessful, and what I believe Russia herself will consider a premature, attempt against the independence of the Ottoman empire. If, Sir, we look to Russia, we shall observe that while all the Powers of Europe have been, during this interval of peace, with more or less success, attempting to improve their internal organisation—while they have considered questions of commerce, questions of legislation, with a view to improvement, with a view to the promotion of the future welfare of their subjects, it has been almost the sole object of the Government of Russia to form and to maintain an overpowering army—to complete her military organisation and to be ready on any occasion to throw the sword into the balance in her transactions with the other Powers of Europe. We have, therefore, at the present moment, without even the immense effort which has been made during the past year—we have an immense military power, on the part of Russia, prepared, and, as we have heard within the last two days, already commencing an attack upon the territories and upon the existence of Turkey. On the other side, Sir, if we have not at the present moment the material assistance, we have at least the moral approbation of all Europe, approving of the efforts which we have made to resist the aggressions of Russia. We have joined together to resist by arms those aggressions two Powers at the head of the civilised nations of Europe, who have tested by conflict in arms, and by rivalry in peace, the great qualities which each possesses, and who have learnt from that conflict and from that rivalry to esteem one another's courage and capacity.

Sir, I will now proceed to state, not in detail, because the House, having had the opportunity of studying the papers on the table, and having debated the greater part of them on past occasions, is fully informed with respect to those details—but I will now proceed to state the great outline of what has occurred with respect to the question now under the consideration of the House. I may as well, however, just say first, that in treating of this subject I shall keep wholly out of view the dispute which has furnished, not a cause but a pretext for the interference of the Emperor of Russia. I shall, therefore, keep out of view the question of the Holy Places. I will not touch upon the silver star, or the key of the great gate, or the key of the little gate, or any of those questions which were put forward as subjects of discussion. All these matters of dispute, whether they deserved the contention that took place about them or not, were settled by the agreement of all the Powers concerned. What I have to treat of are other questions and other demands. Now, Sir, in referring to the relations between Russia and Turkey, we must always keep in view that the Empress Catherine, after a successful war, obtained from the Sultan an article which I will read to the House with respect to the Christians generally residing in the Sultan's dominions. We must recollect, also, that some territory was given up to the Empress by that treaty of peace, and that she declared to her subjects that the peace was glorious and successful because she had obtained an assurance of protection for those who were members of the same religious community as the Russian empire. The seventh Article of the Treaty of Kainardji runs thus:—

> "The Sublime Porte promises to protect constantly the Christian religion and its churches, and it also allows the Ministers of the Imperial Court of Russia to make, upon all occasions, representations as well in favour of the new church at Constantinople, of which mention will be made in Article XIV., as on behalf of its officiating ministers."

That is the whole of what is contained in the seventh article of the treaty of Kainardji. The House will perceive at once the promises that are made in the former part of this article—first, that there is an assurance that the Porte will protect the Christian religion of its subjects. And if there had been any persecution of that religion—if the Christians had been deprived of the power of resorting to their places of Divine worship, if they had been injured and slain because they held their religion, the Emperor of Russia might justly have complained of the infraction of the treaty. But there is another thing likewise very obvious—namely, that there is no especial detail with regard to any privileges or immunities which the Christians possessed—no interference stipulated for with the ordinary administration of the affairs of the Sultan in his own dominions. There is a protection stipulated for, but it is a protection of an exceptional kind, and not to be used without some special cause, some great neglect, or some maltreatment of the Christian subjects of the Porte. Now, Sir, coming to the events which took place last year, the House will have perceived that no sooner was the question of the Holy Places settled than further demands, which had already been put forward, were insisted upon by the Ambassador of Russia. In the first place, according to rumour, these demands had taken the shape of a treaty offensive and defensive. They afterwards took the shape of a convention. After this there was a formal document—a *sened* requiring the Sultan to give certain pledges to Russia. Again, a note was insisted upon, but a note which was to be an agreement with Russia, a stipulation with Russia that the privileges and immunities which the Christians held in the Turkish empire should be enjoyed for the future without molestation. The Sultan's Ministers had at first refrained from asking the opinion of Her Majesty's Chargé d'Affaires, and afterwards of Her Majesty's Ambassador, with respect to these proposals. They had naturally been alarmed at the manner in which the proposals were made, and the threats which were used in case the proposals were not adopted. And here, Sir, I cannot but refer to the statements that were made at a particular date by Count Nesselrode in a despatch written by him to Baron Brunnow, and which was communicated by the desire of the Russian Government to Her Majesty's Government. On the 7th of April, after enumerating various other demands which, according to rumour, had been made by Russia at Constantinople, all of which Count Nesselrode denies, he at length ends with saying:—

> "That all the rumours relative to the hostile and threatening language held to the Porte by our Ambassador are not only exaggerated, but destitute of any kind of foundation."

On the 9th of April, two days after that date, Lord Stratford writes, saying, with respect to the Turkish Ministers:—

> "This combination of alarm seeking for advice, and of reluctance to entrust me frankly with the whole case, is attributable to the threatening language of Prince Menchikoff, and to the character of his proposals."

I cannot doubt that Lord Stratford's assertions were perfectly well founded—I cannot doubt that the language used to the Porte during the whole of that mission of Prince Menchikoff was of a threatening character—threatening, in the first place, in case the proposals should be divulged, with, at the same time, great and tempting offers of support—threatening, in a later period of the mission, that in case the proposals were refused, great calamities would ensue. Therefore, Sir, in stating to Lord Clarendon, on the part of the Russian Government, that the rumour of the use of hostile and threatening language was a report wholly destitute of any kind of foundation, Count Nesselrode did but pursue that system of deception and concealment which has unfortunately been the characteristic of Russia in these negotiations. But at the same time that these proposals had been made at Constantinople —proposals, as I have said, in the first instance of a tempting character, and offering the ships and the troops of Russia in aid of the Sultan, if the terms of Russia were accepted—the language held to Her Majesty's Minister at St. Petersburg was of a very different character. In speaking of the conduct of the Russian Government on a former occasion, I certainly used very strong language of reprobation. I do not now think, Sir, that that language was at all too strong. I cannot—although the words were uttered in debate—I cannot, upon reflection, say that the terms I then used at all exaggerated the character of the transactions I was then describing. But these terms appear to have excited great indignation at St. Petersburg, and the Emperor of Russia has done me the very great honour of ordering an article to be inserted in the *Journal of St. Petersburg*, in which reference was made, not very fairly, and certainly very unexpectedly by us, to the confidential communications which had taken place between the Emperor and the British Minister at his Court. Such was the nature of that article, that it gave an impression—an impression which was eagerly seized by the abettors of Russia in the different Courts of Europe—an impression that the English Government had been some party to or had listened favourably to proposals for the partition of the Turkish empire. It therefore became necessary that we should lay before Parliament and this country, what really had taken place, and to the divulging of that information which, out of regard for a foreign Sovereign, we had not before thought ourselves justified in producing. We have no reason, Sir, to regret the publication of that correspondence. From that correspondence, it appears that the Emperor of Russia, having, in the year 1844, declared that the time might come when the dissolution of the Turkish empire might take place, and that in that case he should be anxious to learn the desires and views of the English Government upon the subject, in 1853 insisted, and insisted against all reason, that the moment of the dissolution of the Turkish empire was at hand, and that it was necessary that the English Government should agree with him as to what was to be done in that case. The answer which I as Her Majesty's Secretary of State for Foreign Affairs gave to that overture is before the world, and it is in substance that we could not be parties to any project of the kind. But at the time that that correspondence was taking place, I took occasion, in this House, because there were symptoms in this and in other countries that men's minds were all tending in that direction, that the dissolution and fall of Turkey was at hand, I took the occasion of declaring in this House, in answer to a noble friend near me (Lord Dudley Stuart), that to such a partition of Turkey as might be imagined by those who had taken part in other partitions, England would never be a party. So, too, my noble Friend (Lord Clarendon), who succeeded me in the office which he now fills with so much ability, replied to the same effect. In spite of what then looked like an offer of part of the Turkish territory for ourselves, he replied in terms as decided that our policy was to maintain the Turkish empire, to support her independence and her integrity, and that we had no wish to be sharers in her spoils. Now, Sir, it might be that the Emperor of Russia, from his observation of Turkey, had arrived at the opinion that the fall of Turkey could not really be prevented, and that it was advisable, in order to prevent war, that some arrangement should be entered into with the great Powers of Europe. That may have been his intention, but I think the natural impression was that which Sir Hamilton Seymour evidently derived from the conversations which he held with the Emperor of Russia —namely, that if the Emperor of Russia appeared to be so convinced that the fall of Turkey was at hand, he had it in contemplation that the fall of Turkey should take place. But be that as it may, whatever was the real meaning of the Emperor of Russia in these conversations and otherwise, Her Majesty's Government had hoped that when England entirely refused to be a party to any such project, it would have been relinquished by Russia, and that she would certainly calculate the consequences of having all Europe opposed to her in case she should proceed to an armed aggression.

I will now again refer to the mission of Prince Menchikoff. Prince Menchikoff ended with a demand for certain privileges and immunities for the Christians residing in Turkey. The Turkish Minister, being alarmed, had recourse to the Ministers of the four Powers at Constantinople, asking their advice and assistance. Lord Stratford was disposed to agree with the Turkish Government, that these demands of Russia were dangerous to the independence of Turkey. But the four representatives came to the decision that it was a question which so nearly touched the free action and dignity of the Porte that it was not proper for them in their then situations to offer any advice or instruction on the subject. When that decision was communicated to the Minister of the Sultan, he declared that the Porte had already come to a decision, and that that decision was adverse to the demands of Russia put forward by Prince Menchikoff. Prince Menchikoff having, as I said, pronounced threats of the calamities that would follow the rejection of his terms—threats, by the by, totally inconsistent with the language that he had before held to Her Majesty's Ambassador — Prince Menchikoff having pronounced these threats, proceeded with great state and ceremony to leave Constantinople, and returned to the Russian territory. Upon this intimation, Her Majesty's Government, thinking that the time had arrived when there was danger to the independence of the Porte, directed that Her Majesty's fleet, then at Malta, should proceed to the neighbourhood of Constantinople, and Her Majesty's Ambassador was further directed, if it should be necessary, to bring the fleet up to Constantinople. Now, Sir, I think that step was an irrevocable proof of the desire of Her Majesty's Government to support and preserve the independence of the Sultan. If terms had been obtained which were honourable to the Sultan—which would have maintained the independence of his authority and the integrity of his dominions—the fleet would probably have returned to Malta; but whilst demands were insisted upon which could not be submitted to, while those demands were to be enforced by arms, still more was it impossible for Her Majesty and the Emperor of France, in concert with whom Her Majesty acted, to withdraw their forces from the support of the Sultan. I lay the more stress upon this circumstance, because it was at the time a matter of inquiry in this House. A fear was expressed —a fear in which I did not participate— that there would be a sudden invasion, on the part of Russia, directed immediately against Constantinople. But this, at all events, was clear, that the House approved of the demonstration which was then made, and approved of the declaration which I made at that time—that it was a proof that Her Majesty was determined to support the Sultan against unjust aggression. Sir, when the intelligence arrived at St. Petersburg that the last demands of Prince Menchikoff had been refused, it was decided there that a message should be sent, conveying a letter of Count Nesselrode's, demanding, in the most peremptory terms, that Prince Menchikoff's note should be signed within eight days, and announcing that, in default of such signature, the Principalities, part of the Sultan's territories, would be occupied by Russian troops. It was quite impossible for the Sultan, with any regard to his honour, to assent to such terms; and the menaced invasion by Russian troops immediately took place.

The question then arose, what was the Sultan to do under these circumstances? Lord Stratford—as I have always said, the truest and best friend of the Porte—advised the Sultan not to exercise his right of making it a *casus belli*, but recommended him to renew negotiations, in the hope that honourable terms might be obtained, and in the meantime to strengthen those places by sea and land the defences of which during peace had been greatly neglected as well as greatly diminished. That advice was taken by the Porte, and it was in conformity with the opinion of all the four Powers, of England, of France, of Austria, and of Prussia. Fresh negotiation accordingly took place; the Sultan offered, by the advice of his Ministers, fresh terms of peace. These terms arrived at a moment when a note had been agreed upon by the representatives of the four Powers at Vienna, and therefore the Sultan's terms were set aside, and the other proposals were transmitted to Constantinople. The Sultan agreed to those proposals, with some modifications. I am not going to enter into verbal niceties as to the question of the Vienna note. But what is perfectly plain—what any one who reads it will, I think, admit at once—is, that the Vienna note, as modified by the Porte, as altered in some respects by the Porte, conceded to the Emperor every security he could have wished as to the privileges and immunities of the Christian subjects of the Porte. The Sultan said that he considered it due to his own honour to maintain unimpaired and unviolated the privileges and immunities of his Christian subjects. He was ready to make this declaration in a note to the Minister of the Emperor of Russia. Therefore the sole difference, and yet a difference upon which all these subsequent demands of Russia have been made—the difference was this, that, according to the proposal of the Sultan, the Christian subjects of the Porte would have enjoyed all their privileges and immunities—they would have had them under the sanction of solemn documents, confirmed by the Sultan, as their sovereign; they would have had them under the sanction of a declaration that it was due to his own honour to preserve them; they would have had them under the sanction of an assurance given to all the great Powers of Europe—to all the five Powers of Europe—to Russia also; to Russia no less, though no more, than to any other Power. The Russian proposal, on the contrary, was, not for increasing the immunities and privileges of the Christian subjects of the Porte—whose privileges and immunities, I may remark, had not been diminished, but increased, of late years—but that all those privileges and immunities should be confirmed by a special treaty with Russia, and thereby the Russian Minister would have had the power, on every question of spiritual, nay, on every question of civil privilege, of interfering between the Sultan and 12,000,000 of his subjects. Therefore the question was not, as the Russian Government has repeatedly put it, a question of a religious desire on the part of the Emperor to protect the Christians of his own community in the Sultan's dominions. That was not the question. That security was afforded—that security was amply afforded. But the question was, whether the sovereignty of these 12,000,000 of people should be transferred from their own sovereign, the Sultan, to a foreign sovereign who possessed an overwhelming force. Sir, the position which was taken by Her Majesty's Government at that time is stated so clearly in the circular of Lord Clarendon, dated the 13th of June, that it is one of those few documents which I shall take the liberty of reading to the House. My noble Friend says:—

"The repeated assurances of the Russian Government, given both to the Government of Her Majesty and to the French Government, that Prince Menchikoff's mission to Constantinople had reference solely to the Holy Places, had led Her Majesty's Government confidently to hope that the satisfactory arrangement of that long-pending question would have removed all grounds of difference between Russia and the Porte. But, under the plea of confirming ancient treaties, further demands were put forward by the Russian Ambassador, involving a protectorate of the Greek Church in Turkey, not only as regards the spiritual, but also the civil rights and immunities of its members. Every concession which could be made was offered by the Turkish Government, who, throughout these trying negotiations, displayed a most moderate and conciliatory spirit; but it would have been impossible for them to have complied with these last demands without derogating from the sovereign rights of the Sultan, and virtually surrendering the independence of the Ottoman empire; and Her Majesty's Government have, therefore, entirely approved the advice given by Lord Stratford de Redcliffe to the Porte. In these views and opinions there is a complete agreement between Her Majesty's Government and the French Government; and the English and French fleets, which have been ordered to approach the Dardanelles, will act in concert under the orders of the respective Ambassadors of the two countries. In taking this step Her

Majesty's Government are actuated solely by the desire to uphold the independence of the Turkish empire—an independence which the Great Powers are deeply interested in upholding, and which has been acknowledged by them as necessary to the balance of power in Europe." [No. 251.]

Such, Sir, was the position taken up by the English and French Governments. Now, when the Vienna note, modified in the manner I have stated, reached St. Petersburg, the Emperor, who had agreed to the original note, and who had agreed to it even as altered with a view to make the sense of it more clear to the Cabinet in London, refused to accede to that modified note. Not long afterwards there appeared that which the Russian Government had declared to be a confidential despatch, but which ought not to have been confidential, because it showed the spirit in which the Russian Government were prepared to agree to the Vienna note. It showed that, while the Emperor accepted every word of that note, he did not affix to it the sense which was affixed to it by the four Powers, the sense which the English Government, in particular, had affixed to it, and, therefore, the intention of the Russian Emperor clearly was, according to his own expression, to accept the terms, according to one sense at Vienna, according to another sense in London and Paris, according to another at Berlin, and afterwards to enforce them in another sense at Constantinople. Why, Sir, I say, that, in agreeing to sign that note, if such was the intention of the Russian Government, they not only ought not to have made their explanation of it confidential, but they should have told the Powers with whom they were treating under whose sanction this note was to be signed, what interpretation they put upon it. And, therefore, the proposition to sign that note, knowing perfectly well, admitting themselves that they knew, what was the sense affixed to it by the four Powers, and especially by England and France, and affixing another sense to it themselves, which they meant to keep secret, but no doubt to make use of against the Turkish Government afterwards—I cannot call that proposition anything less than what I described it to be in the speech to which so much blame has been attached—a fraudulent interpretation. I should say that this interpretation was given in a note signed by Count Nesselrode. It is said to have been written by a subordinate in the Foreign Office at St. Petersburg, but Count Nesselrode has assumed its responsibility. Sir, the modified note having been thus rejected by Russia, the question arose whether any further effort at negotiation should be made. Even then the Sultan's Government were far from being adverse to a settlement of the question. But an event occurred of the utmost importance. A step was taken by Turkey from which she thought she could no longer refrain—I refer to the declaration of war by Turkey. Sir, it is always in the power of tyrannical Governments to endeavour to impose upon other Governments unjust terms; but that which is not in their power is that their attempts should not excite the indignation, should not provoke the anger, of those against whom they are directed. Such was the effect of the menaces of Russia against Turkey; such was the effect of the invasion of the Principalities, containing 4,000,000 of the subjects of the Sultan. The fanaticism, if you choose to call it so—the enthusiasm, as the Turks would call it, of their nation was roused; they hastened to the standard of the Sultan, and thousands of men appeared in arms on the banks of the Danube to resist the aggression of Russia. The Sultan had from the first moment of the entry of the Russians into the Principalities a just cause of war; encouraged and excited by his subjects, he thought he could no longer—after this last proposal of peace had been rejected, he thought he could no longer refrain from a declaration of war. Well, Sir, it is hardly for us to blame the conduct of the Sultan in that respect. The wrong was with Russia; the wrong arose from the conduct of the Russian Government. It might be imprudent in Turkey at any time to resist that force of Russia; but, Sir, it was an imprudence which we must all honour—it was an imprudence which arose from a just sense of independence, and natural resentment of the wrong which had been done.

Sir, when that war was declared, of course, the negotiations became more and more difficult; still terms of great moderation and great fairness, which were recommended by the four representatives at Constantinople, were adopted by the Porte and transmitted to Vienna as the basis of negotiations for a treaty. Upon considering these terms, the representatives of the four Powers at Vienna, including the Minister of Foreign Affairs of Austria, were entirely agreed with respect to their moderation, and they were forwarded to St. Petersburg, with a recommendation from the Austrian Government, in the name of Austria, and in the name of the other Powers, her allies, requesting the assent of Russia to these fair terms of peace. The first impression at St. Petersburg was, that no answer should be given to this request. The step actually taken was little short of that determination. It was, setting aside all these proposals recommended by the four Powers, to propose other terms, those terms containing in substance the Menchikoff note which the Porte had originally rejected, and containing, besides, an article regarding refugees which had not hitherto been put forward by Russia. The Vienna Conference assembled, and they declared that these terms were inadmissible. Still Count Buol, anxious—and to his honour it should be said—anxious for the preservation of the peace of Europe, earnestly requested of Count Orloff, the Russian Minister, that other proposals might be made, that preliminaries of peace might be transmitted to Vienna, might be there considered, might be modified according to the views of the four Powers in conference with the Russian Minister, and might be transmitted to Constantinople for the assent of the Sultan. Well, this proposal was not assented to, but preliminaries were sent—pretended preliminaries of peace, preliminaries as inadmissible as the former, although the article referring to the refugees was not contained in them, and it was not insisted that the Turkish plenipotentiary should go to St. Petersburg or to the Russian head-quarters, but in all other respects terms were submitted which could not have been assented to. Again the Conference rejected these terms as inadmissible, and declared that they could not transmit them to Constantinople. We have, then, the agreement, not of England and France, but of all the four great Powers of Europe, that with respect to this dispute between Russia and Turkey, Turkey has proposed and is ready to assent to fair and moderate terms of peace, and that the terms of peace proposed by Russia are unjust, intemperate, and inadmissible. I think, Sir, after this, considering how much connected Austria and Prussia have been with Russia now for many years, that the three northern Powers were connected on many occasions of European difficulty—I think that it will not be denied that in this contest Turkey must have been greatly in the right in order to have such an agreement of the four Powers. The moderate proposals of Turkey on the one side, and the inadmissible proposals of Russia on the other, seemed to preclude all hopes of an amicable termination of these negotiations. The remaining question was, therefore, whether or not we could any longer maintain the position which we had maintained—a position showing our interest in Turkey, and our sympathy with her in her struggle, but at the same time taking no active part in her support. Sir, it is obvious that, after the Emperor of Russia had rejected those terms, he must have intended to prosecute the war. The intelligence we have now received puts that intention beyond doubt; but there was moral evidence of it without such intelligence. We therefore considered with the Government of France what step remained for us to take. We came to the decision that we might propose to Russia to evacuate the Principalities within a certain number of days, at the same time informing her that her refusal to do so would be considered equivalent to a declaration of war. That step we have taken; but of course no one would expect that the Emperor of Russia, having refused reasonable terms, would yield to a summons so peremptory. He has declined to give any answer to that proposal, and it remained for Her Majesty and the Emperor of the French to consider if any other step, and what, remained. They considered that no other course but war did remain. They considered that, after having given, at all events an implied promise of assistance to the Sultan in his resistance to the unjust demands of Russia, they would be wanting in honour if they did not fulfil that implied promise of material aid. They considered that the safety of Europe depended upon the maintenance of the equilibrium of which the integrity and independence of Turkey form a part. They considered that it would be impossible to hope to maintain that integrity and independence if Russia was allowed unchecked and uninterrupted to impose her own terms upon Turkey. It was therefore decided by Her Majesty's Government at once to address this House—to advise Her Majesty to send down a message to the Houses of Parliament, and at the same time to issue a declaration of war. That declaration of war has been issued. We can none of us be insensible to the gravity and importance of such a declaration—we should all have been glad to have avoided it; but I hold that, consistently with our position—consistently with our duties to

Europe—consistently even with the general interests of this country, we cannot permit the aggrandisement of Russia to take any shape that her arms might enable it to assume. Sir, there are, I imagine but few in this country who think that any other course was open to us. There are, I know, some who think that this country might remain altogether apart from the conflicts of other European nations; that we might be indifferent when the independence of a Power is assailed, when a country may be obliterated from the map of Europe, and some Power already great may obtain a fearful preponderence over the Powers of Europe. These persons, I say, indifferent to the triumph at one time of democracy, at another of despotism, at another time of republicanism, and to the aggressions that are made at different periods in the name of one or the other, may think it right to say, like the philosophic husbandman of Virgil—

> "Illum non populi fasces, non purpura regum
> Flexit, et infidos agitans discordia fratres;
> Aut conjurato descendens Dacus ab Istro:
> Non res Romanæ, perituraque regna."

But we, Sir, who are following the maxim which, since the time of William III. has governed and actuated the councils of this country—we, who have believed that we have a part in the great question of the liberties and independence of Europe—we who believe that preponderance cannot safely be allowed to any one Power—we who believe it is our duty to throw our weight into the scale in these conflicts—we who have seen our country rise to power, rise to reputation, rise, I may also say, in moral greatness, by the assertion and maintenance of these doctrines—we who have seen the country support burdens and incur great sacrifices in the maintenance of these maxims—maxims which I believe to be connected not only with your honour and your dignity, but with your very safety as a nation—we are not prepared to abandon our position in Europe, and we ask you, by agreeing to the address of to-night, to be firmly prepared to maintain it. Sir, I may be asked two questions, supposing that this House is prepared to assent to this Address—questions which I will not deny the privilege of any Member to ask—to which I should be glad if I could give full and satisfactory answers, but to which I can only give such answers as my duty will permit. I may be asked, in the first place, with what allies are we about to undertake this contest. Now, Sir, in the first place, as I have repeatedly assured this House, we were acting in cordial concurrence throughout these negotiations, and we are acting in this last and final step, which ends negotiation and begins war, in cordial concurrence with France. I have not been able to lay upon the table of the House any formal agreement. We had proposed a formal agreement to France; in the then state of affairs, another form of agreement was thought by the French Government to be preferable; that was only a provisional agreement, and therefore I cannot lay anything in the shape of a convention before the House; but the two Governments are agreed that their concurrence should be put in the shape of a convention, and I hope before long to lay a formal instrument of that nature upon the table. But while I say this with respect to a formal document, the House may rest assured that with regard to the spirit of the agreement, with regard to friendly intercourse, with regard to frank communication, no two Governments were ever more closely allied than the Governments of England and France are at this moment. Then, Sir, we have to consider the position of those other two Powers with whom we have agreed in the negotiations—with whom we have agreed, not only in the protocols that have been signed, but so far that the Governments, both of Austria and Prussia, recommended to the Emperor of Russia to accede to the terms that were proposed, and to evacuate the Principalities at our demand. But, Sir, I must say that I can add but little to the statement I made on a former occasion, that while it is perfectly clear to us what the interests of these great German Powers demand, we have no document, no formal agreement that we can lay before the House, or even an assurance, that these two Powers will take part in the war against Russia. At the same time, the communications made by the Emperor of Austria and his Government have been most frank and most direct. They have expressed an entire agreement with us as to the necessity of maintaining the independence and integrity of Turkey; but when we asked, as I think we were bound to ask, some short time ago, what, in case of a rupture, would be the conduct of Austria, the answer of Austria for the moment was of a satisfactory nature. It reserved, however, an application to the Government of Prussia, and my belief is, that if the Government of Prussia had acceded to that proposal, had acceded to the views of Austria, I should have been able now to make a most satisfactory communication to the House. But it did not appear to the Prussian Government that they could accede to our proposals. The Prussian Government has stated to the world its views upon this subject. I must say, those views at present seem to me to be too narrow. I had always thought that Prussia was a European Power—I had always considered her as one of the principal Powers of Europe; but in the document to which I refer, allusion is made only to German interests, and the duties of Prussia towards Germany, and there is no allusion whatever to her duties towards Europe. I trust, however, that a short time may bring us communications of another kind. I cannot but think that if Prussia means to maintain her position in Europe, distinguished as she has been, distinguished as she is, both in arts and in arms, she can hardly allow that the disturbance of the balance of power in Europe, and the immense aggrandisement of Russia which would ensue, can be matter of indifference to Germany, less than to Europe. Sir, I state the case to the House as it is—that negotiations are still going on, and that even the passage of the Danube by the Russian troops has not brought from Austria an immediate declaration that she will be in arms to oppose that aggression. I have stated that I think she would have been so prepared were it not for an apprehension that, Prussia not concurring in her course, danger might surround her if she proceeded to that step. But I repeat again that which I have always thought with respect to this subject—that it is impossible that this war should proceed, and that the great German Powers should not feel that it is their bounden duty—that it is their interest, fully as much as it is the interest of England, to assert their independence, and to check this unjust and unprincipled aggression. Such, Sir, is my belief—such is my hope on this subject.

The other question which may be asked of us is with regard to what we expect as the object and termination of the war. Now, Sir, I have said that I can state no more than that which I consider it my duty to state, and I consider that I should be departing from that duty—grossly departing from that duty—if I at all restricted the Government of England from at any time assenting to terms of peace which that Government thought honourable and just. For my part, I should not think any terms honourable and just that did not provide for the security of the Turkish empire; but with regard to the manner in which that security is to be provided, we all know what are the chances and contingencies of war—we all know how quickly the aspect of Europe may change from one month to another, and I think it would not be right, it would be a course not only wanting in prudence but in justice to the people of this country, if I were to specify the details of any terms that were to be procured as the terms upon which peace would be concluded. This House well knows that if terms were agreed to which it should think insecure and dishonourable, this House has it in its power to rebuke and to censure the Ministers who should make such a peace. This power has been exercised—whether wisely or not is not the question—but this power has been exercised, and the Ministers who signed a peace censured by this House were driven from office for agreeing to such terms of peace. I think the House may be satisfied to leave the question in this position—that, having taken up arms from necessity, for the sake of supporting an ally, our first object must be resistance to the aggressor and protection to our ally, and that we shall continue in arms so long as that ally is threatened by his formidable opponent. I know not, therefore, Sir, that I can add anything to the statement which I have made in regard to the course which these negotiations have taken with respect to the causes of the war and to its object. That object is plain and simple. An ally, one of the Powers whose integrity and independence are sanctioned by the public law of Europe, has had his provinces assailed and invaded, and is required to sign dishonourable terms of peace as the price of the evacuation of these provinces. He refuses to agree to these terms which he considers dishonourable; we go to his support in resisting that aggression. We have already agreed to a convention with Turkey, a convention which, not being ratified, I am sorry that I cannot lay before the House, but which provides that for the assistance which we shall give, Turkey shall not make peace without the concurrence and consent of England and France. The convention does not contain—I think it would have been very wrong if it had contained—any stipulations with regard to the internal government of Turkey. We have proposed no such convention to the Porte; we have proposed to her a convention, in the nature of a military convention, which, when it is laid upon the table of the House, will, I think, be sanctioned by the approval of the House as well as of the country. Well then, Sir, I leave the case as it at present stands in the hands of the House, fully convinced that the great majority of this House have at heart the honour and greatness of this country—that they will all lament, as I do, that the necessity of war should be brought to us—but that they will none of them be disposed to shrink from a contest which is honourable, and which I trust will end in securing the independence of our ally.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Most Gracious Message, and for the Communication of the several Papers which have been laid before it in obedience to Her Majesty's Command:—To assure Her Majesty of the just sense we entertain of Her Majesty's anxious and uniform endeavours to preserve to Her people the blessings of peace, and of our perfect confidence in Her Majesty's disposition to terminate the calamities of war, whenever that object can be accomplished, consistently with the honour of Her Majesty's Crown, and the interests of Her people:—That we have observed with deep concern that Her Majesty's endeavours have been frustrated by the spirit of aggression displayed by the Emperor of Russia, in his invasion and continued occupation of the Provinces of Wallachia and Moldavia; in the rejection of equitable terms of peace proposed under the sanction of Four of the Principal Powers of Europe; and in the preparation of immense forces to support his unjust pretensions:—That these pretensions appear to us subversive of the independence of the Turkish Empire:—That we feel that the trust reposed in us demands on our part a firm determination to co-operate with Her Majesty in a vigorous resistance to the projects of a Sovereign whose further aggrandisement would be dangerous to the independence of Europe."

MR. LAYARD: I can say, Sir, most unfeignedly, that no man in this House has listened to the noble Lord the Member for the City of London with more pleasure, with more satisfaction—indeed, I may add, with more enthusiasm than I have myself; and if the noble Lord would not think me presumptuous, I would say that on the three occasions on which he has addressed the House on this most momentous question, he has made speeches worthy of the subject, worthy of his own great reputation, and worthy of a Minister who ought at such a moment to have the affairs of the country under his direction. I have listened to his sentiments, so nobly expressed, upon all these occasions with a pleasure which would be unmixed, were there not at the same time other considerations forced upon me. I am bound to inquire whether these are the personal and individual sentiments of the noble Lord, or whether they are also the sentiments of the Ministers with whom he is acting? I am bound to ask whether at this moment, in another place, the noble Earl who is at the head of the Government is not expressing sentiments, if not diametrically opposed to, at least very strangely at variance with the sentiments which we have just heard? I am bound to ask whether there are not right hon. Gentlemen on the very bench occupied by the noble Lord who have not cheered him during his speech, and who do not participate in his sentiments? I regret to say that there are good grounds for my asking these questions. Were there not, I would not venture upon such an occasion as this to intrude myself upon the notice of the House. I feel at this moment in a very difficult position, and under a grave responsibility, but, at the same time, I feel that I have a duty to perform, and that from that duty it would be wrong in me to flinch. However little experience I may have had, I have found that a man almost always has cause to regret not having pursued the course which he was convinced was the right one; and I have the more reason for saying this now because under very nearly similar circumstances last year I yielded to the advice of those in whom I had great confidence, in refraining at the request of the Government from bringing before Parliament a discussion which would, I now solemnly believe, have evoked an expression of opinion in this House, and in the country, which might have gone far towards preventing the unfortunate results to which these negotiations on the Eastern question have led. At nearly the beginning of this Session it was my painful duty to have to review the past conduct of Her Majesty's Ministers. I totally disagreed with the policy which they had pursued, and I felt that, whether right or wrong, that policy had been carried out in a way which was not creditable either to the diplomacy or to the statesmen of this country; but in concluding my speech, I said that, if Her Majesty's Government would in future only pursue a course and adopt measures which were equal to the occasion and worthy of the circumstances in which we were placed, I would give them my most cordial though humble support. But, Sir, since that period an alteration has taken place in the state of matters. We were then arguing on very insufficient grounds. Other documents, of a very important nature, which have thrown an entirely new light upon these transactions, have now been published. Things have occurred which have more than confirmed the opinions which I even then formed of the conduct of Her Majesty's Government, and I feel bound to recur to the subject. When I discussed the policy of the Government I was taunted because I did not bring some definite question before the House, in order to test its feelings with regard to the conduct of Her Majesty's Ministers. I may be again taunted on the same grounds, and I will, therefore, state distinctly to the House what it is my intention to do. Upon such an occasion as this, I would be the last man to propose an Amendment to the Address, or to take any step which might interfere with the general expression of loyalty towards Her Most Gracious Majesty, or have a tendency to show that the country was not united as one man in supporting the Crown in this great struggle; but if it is the feeling of this House, after what I shall state to it, that the conduct of Her Majesty's Ministers ought to form the subject of a Parliamentary inquiry or a division in this House, I, humble as I am, shall be the first to ask Her Majesty's Ministers to name an early day upon which I can bring this question formally before the House.

The noble Lord in his speech said that the papers upon the table had been so often discussed that it was scarcely of any use to revert to them. It is true that the papers which were at first laid upon the table have been discussed, but as yet nothing whatever has been said with regard to those most important documents which on a subsequent occasion have been submitted to Parliament. I have hitherto purposely avoided referring to them, because I have been told that I might impede the action of Her Majesty's Government; but I think the time has now come, especially as these papers go far to prove the opinions which I shall lay before the House, when some discussion should be raised upon them. Sir, in the year 1829, when the noble Earl now at the head of the Government was Minister for Foreign Affairs, Russia was engaged, as at this moment, in a war with Turkey. Her troops crossed the Balkan, and though her army was in a very critical condition, the Porte was compelled to conclude a disastrous treaty with General Diebitsch. The noble Earl (the Earl of Aberdeen) has more than once and within the last few days claimed the honour of having framed that treaty, upon which were mainly based the claims which Russia now puts forward for the protection of the Greek Christians of Turkey. In 1842, the same noble Earl being at the head of the Foreign Office, a revolution took place in Servia. The Prince of that province was expelled by a popular movement, the Porte confirmed the nomination of a new Prince, and took other steps, which, by its treaty connection with Servia, it had a perfect right to take. But the Russian Government opposed that order of things, insisting that the Porte should cancel its acts, and that there should be a new election, and, though France was at that time willing to go with us, the noble Lord now at the head of Her Majesty's Government approved and abetted Russia in all the acts which she then undertook, and made that most extraordinary statement to which I have before alluded, "that Russia had a right to put her own construction upon her own treaties"—an assertion which, if there be anything in it, would completely justify every step that Russia has taken which has led to the present war. Can we be surprised, then, that in the year 1844, when the noble Earl (the Earl of Aberdeen) was again at the Foreign Office, the Emperor of Russia should have visited this country, and have taken the opportunity of proposing to Her Majesty's Government a scheme which was part of the hereditary policy of his family, and which was almost the political testament by which he came to the empire? That visit of the Emperor ended in a certain agreement between him and certain of Her Majesty's Ministers, which has been laid upon the table. I am not now about to discuss it, although I will say that it contains two propositions which appear to me exceedingly dangerous as involving a principle for which Russia has always been contending. They state, that although the policy of Russia and England will be to maintain the present political combination—that is to say, the existence of Turkey—as long as possible, yet if they foresee that it must fall to pieces, they will enter into previous concert in relation to the establishment of the new order of things to succeed it; thus leaving it in the power of Russia to interpret such signs as she thought fit, at any period most convenient to her, into proofs of the approaching dissolution of the Ottoman empire. I know not what documents may have passed between the persons who were the parties to that memorandum, or whether that memorandum was accepted by some of Her Majesty's Ministers as a correct record of that which had passed between them and the Emperor of Russia, and as setting forth the principles that had been agreed to as a basis of action by both parties in case of the event happening which was predicted by the Emperor of Russia. But, Sir, it is not surprising that when in the beginning of last year a change took place in the Government of this country, and the noble Earl found himself at the head of the Government, the Emperor of Russia, on the moment of receiving intelligence of the new Administration, renewed the proposals that had been accepted on his former visit to this country by Lord Aberdeen.

I must now entreat the attention of the House for a few moments to these important secret documents last laid on the table, more because I wish to show the extraordinary divergence of opinion which existed then, and exists at this moment, between the different Members of the Government than to offer any detailed criticism upon them. The first proposal was made on the 11th of January, 1853. After congratulating Sir Hamilton Seymour on the return to office, and the accession to the head of the Government, of the nobleman with whom he had had an intimate acquaintance, and expressing his great regard that he had entertained for Lord Aberdeen for almost forty years, in the very next breath the Emperor of Russia refers to the proposal for the partition of Turkey. That proposal was, however, not renewed very distinctly on that occasion; but a few days after it was again brought under the notice of Sir Hamilton Seymour, and in very distinct and positive terms. Sir Hamilton Seymour lost no time in communicating these extraordinary conversations to Her Majesty's Government, and at the same time he called the attention of the Government, very ably, I believe, to the dilemma in which we should be placed, either if we received these propositions, or if we took no notice of them —in the one case that we should be called to take part in carrying them out, having sanctioned them; in the other, we should have allowed the Czar to make proposals, and, not giving an answer to them, we should have tacitly sanctioned the policy that he had told us he would adopt. This despatch was received in England on the 6th of February. On the 9th of the same month—and the dates were important— the noble Lord who has just spoken, and who was then at the Foreign Office, returned an answer to Sir Hamilton Seymour. I do not wish to criticise the noble Lord's despatch, but I should say that it was hardly suitable to the occasion; it contained a very good account of the general principles involved in the partition of falling empires, and expressed a disinclination to enter further upon the subject; but I humbly submit that a more direct and decided answer ought to have been returned, and that the Government should have at once declared that no proposal such as the Emperor had made could ever be entertained for one moment by a British statesman, and that any attempt to carry it out would at once lead to war. I may be told that this was a secret despatch, and that the Government could not honourably make use of it; but I very much doubt whether any such obligation exists. If a man comes to me and says, "I have an intention of murdering your friend, but I tell it you in the strictest confidence—you must not make a disclosure of it to any human being," I say that the greatest casuist that could be found would not hold that I was bound by any such implied pledge of confidence. Now, in this despatch I find a passage in which the noble Lord admits that the Emperor of Russia has a right by treaty to interfere in behalf of the Christian subjects of the Turkish Government. The time is gone by for dwelling on this extraordinary admission, which, however, the Emperor of Russia might surely quote as justifying all his subsequent proceedings. I will admit that the answer of the noble Lord, however, was quite sufficient for the Emperor to believe that the English Government would not entertain his proposal; and the next despatch of Sir Hamilton Seymour, acknowledging the receipt of the noble Lord's answer, tells us that the Emperor of Russia was very sorry to hear that the British Government would not listen to his proposal. Shortly afterwards Sir Hamilton Seymour was called upon to be present at what he is justified in terming the most important and most interesting interview in which a diplomatist was ever engaged. On that occasion the Emperor took an opportunity of laying before our Ambassador very fully his views on the Eastern question; and that, there might be no mistake whatever, the Emperor lays down the principles on which he would carry out the partition, and makes a proposition of territorial concession to England which he thought might induce this country to join in his nefarious project. Sir Hamilton Seymour lost no time in sending home a despatch containing an account of this conversation to the noble Earl (the Earl of Clarendon) now at the head of the Foreign Office. But what do I find? That although the noble Lord (Lord John Russell) then at the head of the Foreign Office had answered the first despatch within three days—and I entreat the House to notice the dates, because this is a momentous consideration—no answer was returned to that despatch by the noble Earl who had succeeded him at the Foreign Office, I think, for seventeen days, nor was it submitted to the Cabinet Council till the 13th of March, being seven days after its receipt. I beg the House to consider the commencement of the noble Earl's reply. Instead of rejecting the proposal of the Czar as my noble Friend (Lord John Russell) had done, he begins to throw somewhat of a doubt upon the policy of the noble Lord who had preceded him in the Foreign Office. He says:—

> "I need not assure you that I think the opinions and proposals of the Emperor of Russia ought to receive that consideration which their importance demands."

And mark these further words:—

> "Although Her Majesty's Government feels compelled to adhere to the principles laid down in Lord John Russell's despatch of the 9th of February, yet they gladly comply with the Emperor's wish, that the subject should be further and frankly discussed."

And this was written in direct opposition to Sir H. Seymour's urgent entreaties, that he should be directed to put an end to these dangerous conversations:—

> "You are handling hot coal, for God's sake give me instructions to discontinue these discussions; do not let us prolong them a moment longer than is absolutely necessary."

And yet, in spite of his repeated remonstrances, after a delay of seventeen days, on the 23rd of March, he is told to inform the Emperor that we are ready to take these proposals frankly into further consideration. And what does the Emperor of Russia say, after he receives this communication from Sir Hamilton Seymour? In his despatch of the 20th of April, Sir Hamilton Seymour says:—

Mr. Layard

> "His Majesty then said that he wished to state to me the real and sincere satisfaction which he received from your Lordship's despatch (Lord Clarendon's), marked secret and confidential, of the 23rd ultimo."

No wonder that he received it with satisfaction, although he had not received the noble Lord (Lord J. Russell's) reply with satisfaction; and the result was that the memorandum, which was drawn up, I conceive does contain some very damaging admissions. But I principally wish to draw attention to this despatch in order to show its bearings on some other circumstances connected with this case. In referring to these despatches I wish to say very little on what occurred last year, and if I do allude to it, I trust the House will believe that it is from no wish to make any vain boasting upon what I stated then. But I ask the House if these despatches do not, word for word, confirm almost every syllable I uttered last year. I then said that this great Eastern question was one of independent nationalities, and the Emperor of Russia has said the very same words. He has said:—

> "I will not allow England or France permanently to occupy Constantinople, nor shall I permit any attempt at the reconstruction of a Byzantine empire, or at the enlargement of the kingdom of Greece, so that it may become a powerful State."

And, again, he added:—

> "If you like, I will consent to Servia and Bulgaria being placed upon the same footing as the provinces of Moldavia and Wallachia."

But what was the position of these Principalities, but that of mere creatures and dependents of Russia? But the speech of the noble Lord to-night is the best justification of what I said last year; and, I ask, could anything have been more favourable to my case? I heard on one occasion a right hon. Gentleman in this House talk of connivance or credulity as connected with the conduct of the Government in these transactions. As an Englishman I revolted at the bare idea of such a thing as connivance in such a matter; but I must now confess that there are circumstances connected with this case of so extraordinary a nature that, without saying that I believe there was connivance, I must say that there was something that I cannot explain, and that I cannot understand. Is it that, as there were two parties in the Cabinet at the time, there was connivance and credulity among the different Members of the Government, and that out of this unhappy and unnatural union was begotten that monstrous policy which has brought us into all this difficulty, and has involved us in a war?

Now, Sir, I am about to refer for a few moments to some opinions of the *Times* newspaper. I cannot quote to the House all its opinions, because I might in that case quote from hour to hour opinions upon all sides of any question. But if I prove to the House that the opinions of the *Times* which I will read are the opinions of any of Her Majesty's Government, then I think there is an importance which attaches to them that cannot be denied. This, Sir, is a most momentous question, and I entreat the attention of the House to it. I do not at all exaggerate—I will prove to the House that every one of those secret and confidential despatches were communicated, if not on the very day, at least one or two days after their arrival, and furnished the materials for the leading articles of the *Times;* and that there are men, and not clerks in the Foreign Office, because the contents of these despatches could not have got beyond one or two Members of the Cabinet—men who have been endeavouring to bring the country to approve of the sentiments of the Emperor of Russia and to give their consent to the nefarious transactions to which he had alluded. Perhaps some Members of this House may remember that in February and March last year there appeared a very extraordinary series of articles in the *Times*, saying that the time had come for the dismemberment of the Ottoman Empire, and even that it would be necessary that we should take into consideration whether we could not agree to some partition of that country. I was myself particularly struck with those articles, which came out for no possible purpose that I could then understand. But the other day, when these secret papers were brought to light, I thought that I recognised expressions in them which I had noticed in these leading articles of the *Times*. I happened at the time to be with a Gentleman, a Member of this House—a dispassionate and calm-judging man—not agreeing with me in sentiments; and I said to him—"Let us go and look at the *Times*, and see if there is any coincidence between the articles in that journal and the secret correspondence." Well, to my astonishment, of course, but also to his, we found in an article in the *Times* published at the beginning of last year, the very same words used as those that appeared in the despatch from Sir Hamilton Seymour, and that subsequently articles followed other despatches, frequently the very day after their arrival, sometimes containing almost the very same words. ["Hear, hear!"] Do not believe that I wish to exaggerate anything; but I say this is a question of the utmost importance—the significance of which cannot, indeed, be exaggerated, and one in which the interests of this very empire are at stake. If the secrets of the Cabinet are not to be divulged to the House of Commons, and yet are to be made use of in this manner to frustrate the endeavours of those in the Cabinet who are attempting to carry out the true policy of this country, such men as are struggling to maintain those interests, and to maintain its honour, will feel that no emphasis that I can lay on such a proceeding, and no time that I can take up in disclosing it to the House, can be ill employed. Now, Sir, the first despatch, the House will remember, was received in this country on the 23rd of January, 1853. Well, on the 26th of January came out the first of the series of articles in the *Times* newspaper, to which I refer. I entreat hon. Members who may doubt my statement to turn to these articles for themselves, and not to take it simply on my assertion. The next despatch was received on the 6th of February. Now, on the 11th of February we have this extraordinary article published in the *Times*, four days after the receipt of the despatch. It states:—

> "We do not suppose that it is the intention or the policy of Russia to accelerate a catastrophe in the East, and the good offices of this country will again be employed to lessen the perils of a situation which is becoming critical. We cannot, however, forget that the attempt to prolong the brutal and decrepit authority of the Turks in Europe is purchased by the surrender of fine provinces and a large Christian population to barbarous misgovernment; and we shall rejoice when civilisation and Christianity are able to repair the injuries of the Ottoman conquest."

Again it was stated in the *Times* on the 23rd of February, 1853, after various comments on the exhausted state of Turkey:—

> "With the utmost political caducity, with a total want of ability and integrity in the men who are still its rulers, with a declining Mussulman population, and an exhausted treasury, the Porte unites, as if by way of derisory contrast, a dominion over some of the most fertile regions, the finest ports, and the most enterprising and ingenious people of southern Europe. . . . . . It is hard to comprehend how so great a positive evil can have been so long defended by politicians

as a relative good; and though we are not insensible to the difficulties attending any change in the territories of so huge an empire, we are disposed to view with satisfaction rather than with alarm the approach of a period"—

How did the *Times* know the period was approaching?—

"when it will be impossible to prolong the domination of such a Government as that of the Porte, over such a country as that which is now subject to its authority."

In the next sentence (and, remember, this was written two or three days after the arrival of the despatch), it says:—

"Perhaps that period is less distant than is commonly supposed; and it may be the part of wise statesmen to provide against such a conjuncture, which it is beyond their power indefinitely to postpone. We do not believe, and we do not mean to imply, that any combination of Austria and Russia, hostile to the territorial claims of the Ottoman empire, is now in existence, or is likely to be formed without the knowledge of the other European Powers. We have strong grounds to believe"—

When the *Times* says that, we know what it means—

"that Prince Menchikoff is sent from St. Petersburg to Constantinople upon a special embassy for the express purpose of declaring, in the name of the Emperor Nicholas, that, as head of the Greek Church, he cannot submit, or allow the Eastern Church to submit, to the conditions of the firman recently obtained by the French Ambassador with reference to the holy shrines in the Holy Land."

Now, the first intimation of Prince Menchikoff's mission was contained in Sir Hamilton Seymour's despatches, received February 14 and February 21, two days before this article appeared. Now, on the 6th of March came that most important despatch which gave the whole plan of the partition. I said before, that no answer was returned till the 23rd, and that no Cabinet Council was held upon this despatch till the 13th, seven days being allowed to elapse by those Members of the Cabinet who had it in their possession before they submitted it to their Colleagues. But it was submitted to the *Times*, because on the 7th of March, the very following morning, when it was impossible that the despatch from Sir Hamilton Seymour could have gone beyond one or two Members of the Cabinet, and when no clerk in the Foreign Office could have known its contents, almost the very words of the despatch are given in a leading article. The *Times* says:—

"The state of the Turkish empire and the relations of the European Powers to the East are subjects on which it may be useful for reflecting politicians and the independent press to form and express opinions, though the consummation to which these opinions point be still unwelcome and remote. Statesmen bound to transact the business of the day, and to recognise at every turn the obligations of what is called State necessity, are restrained within narrower limits, and would probably be unable to give effect to any novel or original conception, if it had not previously been entertained by the mind and reason of the public."

The meaning of this is evident. It is a feeler to see how far a plan for the partition of Turkey would be accepted by the public in this country. It was an endeavour to ascertain whether the Emperor's proposal could be entertained by a Minister without incurring the danger of any public remonstrance. I have told the House that the Earl of Clarendon in his despatch said that he did not agree with the policy of his predecessor in the Foreign Office (Lord J. Russell); and now mark how the *Times* article goes on:—

"We are, therefore, by no means surprised that, in adverting to the differences which have recently taken place in Turkey, and especially on its European frontiers, Lord John Russell should have expressed his dissent from the opinions which have been recently put forward on this subject, and should have repeated in his place in Parliament, speaking under the weight of official responsibility, the old story of the integrity and independence of the Ottoman empire. We ourselves, however, are not affected by similar considerations."

Well, but how did the *Times* know that the noble Lord dissented? The article continued:—

"We do not, therefore, concur in the opinion of Lord John Russell, that no greater calamity could occur to Europe at the present time than the necessity of considering what ought to be done in such a case as the dismemberment of that empire. It would, we think, be a far greater calamity"—

mark these words, because, if not actually the very same, they convey precisely the same meaning as those used in the Emperor's communication—

"that the dismemberment commenced before any such consideration took place."

Why, this remark about the dismemberment having commenced was what the Emperor told us himself. The article went on to say:—

"And here we must be allowed to express our surprise that any statement should, for an instant, confound the policy which it might be proper to pursue in the event of a dissolution of the Turkish empire with that which led to the partition of Poland."

Thus attempting to justify the proposed

scheme, which, in order to keep out of sight its nefarious character, was carefully distinguished from the great political crime already committed by Russia. On the 10th of March an article appeared in the *Times* commencing with these words:—

> "Prince Menchikoff arrives in a more strictly diplomatic capacity, and we have reason to believe"—

the House knows what that means—

> "we have reason to believe that his instructions are more conciliatory than those of Count Leiningen."

Now I find that on February 21, in the despatch of Sir Hamilton Seymour, sent to the Earl of Clarendon, it is said:—

> "His Excellency (Count Nesselrode) wished to assure me that the instructions with which Prince Menchikoff would be provided were of a conciliatory nature."

No Cabinet Council was held till the 19th of March, when the despatch received on the 6th was discussed and an answer returned on the 23rd of March. That answer commenced with the following words:—

> "Although Her Majesty's Government feel compelled to adhere to the principles and the policy laid down in Lord John Russell's despatch of the 9th of February, yet they gladly comply with the Emperor's wish that the subject should be further and frankly discussed."

On the same day an article appeared in the *Times*, which commenced thus:—

> "The opinions we have expressed on the present condition and future prospects of the Ottoman empire do not coincide with the views entertained by Lord John Russell, and communicated by him to the House of Commons; they differ from the course of policy which this country has pursued in former times and on several occasions; and they are entirely at variance with the system which a large numerical proportion of the London press is attempting, not very brilliantly or successfully, to defend."

Honour to the British press, that, though wanting the brilliant epigrammatic pen which had shaken a Colonial Minister and almost upset a Cabinet, it rejected with indignation the nefarious and unprincipled scheme to which the *Times* had endeavoured to reconcile the country! The *Times* added, near the end of its article,—

> "He (the Emperor) has said that it is an object of his ambition to stand well with this country, and to deserve its confidence. His proceedings on this occasion will bring that assurance to the test, and he can give us no greater proof of moderation and good faith towards Turkey and the rest of Europe than a willingness to co-operate on these subjects, as he has before done, with the British Government."

On the same day on which the *Times* announced that its endeavours to reconcile the British public to the partition of Turkey had failed, the answer to the despatch which had been delayed for sixteen days was sent to St. Petersburg. I need not trouble the House with further extracts from the *Times*. [*Ironical Cries of* "Hear, hear!"] If noble Lords and right hon. Gentlemen on the Treasury bench desire it, I will read every one of the articles I have by me, for the more I read the more I shall strengthen my case. [*An expression of dissent.*] Good gracious! [*A laugh.*] But surely, no man in this House will tell me, after what I have read, that the person who wrote those articles was not acquainted with these despatches, or had not received direct communication from those who were. Well, putting aside the charge against the person who made these communications to the newspapers, I ask what must have been the effect of these articles in Russia, where the greatest care is taken to examine every shade of opinion in this and other countries? When the Russian Government saw the substance of despatches, sent from St. Petersburg appearing in the *Times* almost on the very day after that on which they were received, what could it think but that the articles must have been written by some person in communication with the Ministry? Again, do you think that Baron Brunnow was not aware of these conversations between Sir Hamilton Seymour and the Emperor of Russia, and of what passed at St. Petersburg; and what must have been his surprise to find almost every day after the receipt of these despatches that the information and opinions contained in them were re-echoed by the *Times* newspaper? Baron Brunnow well knew too, what, at that time, was a matter of public notoriety, that the *Times* represented the opinions, and was the official organ of at least a section of the Ministry, and that those who were directly connected with that newspaper had been privy to most of the proceedings of Lord Aberdeen on the formation of the new Government, some of the Members of which were actually supposed to have received their offices through its influence. It might be said that, after all, the evidence, from identity of sentiments, was only circumstantial, and that the circumstance might be accounted for by a strange coincidence; but that the writer in the *Times* was acquainted with the contents of the despatches, I confess, Sir, that no doubt whatever remains upon my mind. Mark, I am now endeavouring to show that there were two parties then in the Cabinet, and that there are two parties now, and that these discordant elements have been striving to counteract the influence of each other, and that one of these parties wishes to pursue a policy which I, and I believe the country, most completely concur in. Let me now recur to a speech of the Earl of Clarendon, on the 25th of April last, in the House of Lords, when the Marquess of Clanricarde asked a question with reference to the alarm that had been excited at Constantinople by the demands of Prince Menchikoff. The noble Earl, although he had received all the secret despatches and many others now published, made use of the following words:—

"It was not for him to say that the Emperor of Russia was to be blamed for not making his intentions publicly known, or for not keeping the public informed in regard to his Envoy's proceedings. There were, certainly, considerable military and naval preparations concurrent with the arrival of Prince Menchikoff at Constantinople, but the extent of those, he considered, had been greatly exaggerated. There had been no disguise whatever on the part of the Emperor of Russia as to his intentions in sending his Ambassador, and he showed no hesitation in answering any question the Government of this country thought proper to put to him. He (the Earl of Clarendon) could only say that Her Majesty's Government felt precisely the same confidence as his noble Friend in the honour and integrity of the Emperor of Russia."—[3 *Hansard*, cxxvi. 378.]

Let the House bear in mind that this was said after all the secret communications had been received. The noble Earl added—

"Some exaggerated reports of recent events had been circulated within the last four days which were calculated to excite alarm; but their Lordships would be pleased to hear that Her Majesty's Government had recently received a despatch from Lord Stratford de Redcliffe, dated the day after his arrival at Constantinople, in which he gave them every reason to think that the views entertained by all parties upon the question were such as to ensure a satisfactory result."—[3 *Hansard*, cxxvi. 379.]

There appears to be some extraordinary mistake here. Either the date of the receipt of the despatch alluded to by Lord Clarendon has been changed in the blue book, or the noble Earl has misquoted the despatch. There is only one despatch written by Lord Stratford, the day after his arrival, and that was received on the 26th of April, the day after Lord Clarendon's speech. Unless, therefore, the date has been for some purpose changed, he could not have quoted this despatch—which, moreover, so far from corroborating his assertions, states exactly the contrary. I am willing to accept the only explanation—that Lord Clarendon meant to quote the despatch written by Lord Stratford on the day of his arrival at Constantinople. But did that document authorise Lord Clarendon to assert, in the most solemn manner, that all parties believed that the disputes between Russia and Turkey would be brought to a satisfactory result? Most certainly not. It contained only a few lines, and was written before Lord Stratford had had any opportunity of ascertaining the real state of affairs. After announcing his arrival that day, he says:—

"I have only to add that, while the Turkish Ministers intimate a strong sense of anxiety and alarm as to the eventual intentions of Russia, the impressions of the Austrian Legation, founded on the language of the Russian Ambassador, are favourable to the existence of moderate views on the part of that Power, and to a friendly solution of the pending question."

Let it be observed from whom this opinion, unsatisfactory as it was, was received—from the Austrian Minister! Did not Lord Clarendon thus wilfully deceive the country? I ask, what must Russia have thought? what must Baron Brunnow have thought? Why, that there was a party in the Cabinet who were screening him and his Government, a party keeping the country in the dark. Again, notwithstanding what had passed between the Government and the Emperor of Russia, notwithstanding the proofs of double dealing we had received, on the 22nd of March, Lord Clarendon, writing to Lord Cowley at Paris, expresses his regret, and actually condemns the French Government for sending their fleet to the Greek waters, and he said, in reference to a conversation he had held with Count Walewski:—

"Her Majesty's Government, I added, were disposed to place reliance on the Emperor of Russia, from whom they had often received the most solemn assurances that it was both his interest and his intention to uphold the Turkish empire, and that if any change in this policy were contemplated by His Imperial Majesty, the intention should be communicated without hesitation or reserve. No such communication having been made, Her Majesty's Government were bound to believe, until they had proofs to the contrary, that the mission of Prince Menchikoff was not of a character menacing to the independence and integrity of Turkey."

On the 23rd of March Lord Clarendon wrote to Sir Hamilton Seymour a despatch in which, after expressing entire approval of Admiral Dundas for having refused to obey the summons of Colonel Rose, and alluding to the dismissal of Fuad Effendi and the advance of the Russian forces, he said:—

> "Her Majesty's Government have felt no alarm, and have not shared the apprehensions which the facts above alluded to (the reports current about Prince Menchikoff's mission, &c.) might appear to justify, for on more than one occasion they have received personal assurances from the Emperor of Russia that it was his determination to maintain the independence of the Turkish empire," &c.

Thus justifying the whole proceedings of Russia, and screening her. I may be told that, although the despatches just published show grounds for distrust of Russia, yet that the assurances in the secret despatches given by the Emperor, on the word of a "gentleman," were such as to remove all apprehensions. But I find in the secret despatches, as well as in the public, that Sir Hamilton Seymour repeatedly warns the Government of the double-dealing of Russia—warns them that she is preparing the dissolution of Turkey. The following passages showed clearly that Sir Hamilton Seymour took an accurate view of the matter:—

> "The Emperor must have settled in his own mind that the hour, if not of its dissolution, at all events for its dissolution must be at hand. The Emperor's words and manner, although still very kind, showed that His Majesty had no intention of speaking to me of the demonstration which he is about to make in the south. . . . Would the understanding be acted upon? That, indeed, may well be doubted, and the rather as the Emperor's assurances are a little contradicted by the measures to which it has been my duty to call your Lordship's attention."

The word "fraudulent" has been used with regard to the conduct of the Emperor of Russia; and if I had not seen these secret despatches, I should equally have said his conduct was fraudulent. But I do not wish to screen the Czar, and I say that he has been guilty of gross fraud. But then that is the policy of his House, and a policy that has been pursued by Russia for years, and almost for centuries, as everybody who knows anything of the history of Russia must be well aware. But if the Emperor of Russia's policy was fraudulent, what I complain of is, this misleading of the public in a solemn manner before the most august assembly in the world, and the putting forward of opinions directly contrary to the facts. I will not press the same argument as to differences of opinion in the Cabinet from the conduct of the Government during the recess, when greater latitude is perhaps used, and things said that a Minister would not always like afterwards to be bound by. But I remember reading the speeches delivered by the noble Lord (Lord J. Russell) in Scotland, and by the right hon. Gentleman the Chancellor of the Exchequer in Manchester, on the Eastern question. The noble Lord's speech led everybody to believe that the integrity and independence of Turkey could be maintained, but the right hon. Gentleman expressed a diametrically opposite opinion; and there consequently was the greatest difficulty in collecting what was the policy of the Government. Here, then, were two eminent Members of the Government giving opinions of a diametrically opposite nature on a question of the most momentous importance. I happened at that time to be on the Continent, and I was frequently asked what I believed to be the true policy of the Government? I could return no answer. It is not difficult to understand the evil effects which such contradictions had upon foreign Governments. I might continue this line of observation up to the present moment. Her Majesty's speech at the beginning of the Session was a document almost unworthy of the occasion. It spoke of the quarrel as if it involved no great principle; but the noble Lord (Lord John Russell), in the debate upon the Address, made a speech to which I listened with intense pleasure; and I thought, after all it was, perhaps, better not to place in the mouth of the Sovereign any strong expressions, and that the noble Lord's speech was to be taken as indicating what the Royal speech meant. Therefore, I did not rise to move any Amendment or make any remarks on the Address. But my astonishment was unbounded when I found that the noble Earl at the head of the Government, in another place, held quite different language—his talk was still of peace—that he hoped to maintain peace, and that peace was the policy of the Government—and that he desired to be left to his prayers and his hopes for peace. Was this suitable language to be held at such a time as this? To declare that we could not go to war could only be an encouragement to Russia. The true policy of a great country was neither peace nor war, but upon the maintenance of its honour and its interests. Similar declarations were made by the Premier at the Mansion House and elsewhere about a policy of peace. And even now the question was almost, are we at war? If one noble Lord says we are at war, and another noble Lord says we are at peace, whom are we to believe? The proclamation and other public documents that have been issued are of the same vacillating, undignified character. I do not want to hear any inflated proclamations; but let the people of England be told plainly that they have great interests at stake, and tell them what we are going to war for. Let them know that this is a question not only affecting the general civilisation and freedom of Europe, but our own material interests; and that if it is not taken up now, it will have to be taken up by and by, and that in the meantime it may lead to disasters which nothing that we can do will be able to repair. Early in the Session, when I expressed my opinion of the mismanagement of this great question by Her Majesty's Government, the right hon. Gentleman at the head of the Admiralty (Sir J. Graham) got up, and admitted all that I had said; but, said he, "It is very true we may have been vacillating; but see what we have gained? Why, we have got Austria and Prussia with us." That was announced as the triumphant result of all their temporising. But where are Austria and Prussia now? What has the noble Lord told us to-night? No man can count upon more than the armed neutrality of Austria, which means nothing at all. But were we ever justified in believing that Austria would act with us? In the memorandum of 1844, before Austria was under her present obligations to Russia, the Emperor of Russia said that between him and Austria there existed already an understanding and an entire conformity of principle with regard to the affairs of Turkey. This is repeated distinctly in two, or three, or four secret despatches of Sir Hamilton Seymour's, in all of which he tells us that he suspects that there exists a distinct understanding between Russia and the Austrian Government. I believe such an understanding existed as early as 1842, between Austria and Russia, with regard to the manner in which they would jointly deal with the Turkish empire. Let me ask, after all these negotiations with Austria to which the Government refer with so much satisfaction, what kind of a promise have we received from that Power? what policy is she prepared to adopt? In one of the last despatches from Lord Clarendon to Lord Westmoreland that have been placed on the table, a very important document in many respects, I find a most extraordinary paragraph. It is to this effect:—

> "This measure, on the subject of which tranquillising assurances have been given to the Porte, is not to be considered of a hostile nature towards either of the belligerents; its object is solely to preserve the Austrian frontiers from insult, and, if necessary, from the contagion of insurrection in the adjoining Turkish provinces; and even if an armed intervention on the part of Austria should become indispensable, it would be with the firm intention of preserving intact in all respects the *status quo* established by treaties—an intention which Count Buol is confident will be shared by the other Powers who are represented at the Conference of Vienna."

I ask the Government, have they agreed to any such proposal? Are we, I ask, to go to war to restore old treaties and the *status quo?* Is that the understanding we have entered into with Austria? But observe the dangers into which this divergence of opinion in the Government has led us. If it were merely confined to debates in the Cabinet, it would be bad enough; but look to the state it has brought us to with regard to our preparations for war. In making these remarks, I make them with a deep sense of the responsibility that I incur; but I can state, from information I have received within the last few hours, that in Constantinople nor any part of Turkey have adequate preparations been made, either for the proper provisionment or transport of any troops we may now be sending there. Not a sack of corn has been got, not a horse has been got to assist in the transport of the baggage or of the troops. And at Malta we are told that the troops are living fourteen together, in small and miserable tents, not fit for the accommodation of one or two men. Why, I ask, should they expose fine men, with prospects no way brilliant, to the damp and dew, while a number of spacious public buildings might have been appropriated to their use? Then an account is given of the rain falling upon the Highlanders, and how they are suffering; and it is asked if there be no ordnance or hospital board to see how these men are lodged. Then look to the fleet. Every day I see in the papers that the fleet is at Beicos. What, I ask, is the fleet doing at Beicos? Are we to have another Sinope, whilst we are continuing in utter inactivity in the Bosphorus? We hear of the Russian fleet going out to sea, and landing troops on the

Turkish coast. The *Sampson* has just reported that a detachment of the Russian fleet had appeared off the coast of Circassia, had very wisely embarked the garrisons from the detached forts, which would have fallen an easy prey to an enemy, and had landed troops and stores for those places which must be defended—and all this while our fleet is at Beicos Bay. Then I am told that our fleet have no coals. Why, they have been lying there these two months doing nothing, and why should they remain for two months without coals? I said, on a former occasion, that we ought to have some explanation about Sinope, and the right hon. Gentleman the First Lord of the Admiralty on that occasion contradicted me when I said that under the instructions of the 8th of October the fleet could have acted in the Black Sea, in case of a Russian fleet having left Sebastopol with hostile intentions. I say now they could have acted under these instructions; and if they could not have acted under them, I ask the Government to explain why they could not? I see there is a despatch which contains a communication that was made by the British Minister at Constantinople to the Ottoman Secretary of State, to whom he puts categorical questions respecting the state of the fortifications at Sinope, and the sending of the fleet there. It is rather curious language to use to a Prime Minister. He asks the Prime Minister of Turkey for information on these subjects—he asks to be fully informed on these points; and begs if Reshid Pasha cannot give him the required information at once, that he will take steps to get it. I want to know where, after that communication, is the independence of Turkey? He asks who is to blame for sending the fleets there; but did that justify our fleet remaining in the Bosphorus while the Turkish fleet was destroyed? He asks who sent the Turkish fleet to Sinope, but that is not what we want to know; we want to know why our fleet did not prevent the massacre at Sinope? But what has been the consequence of all this delay? The Russians are crossing the Danube. The importance of the position at Kalafat is misunderstood—it is of political as well as of military importance. It is important to prevent them from getting at Servia, for if they get to Servia they may raise an insurrection which may extend to other provinces. The Turks are therefore bound to keep a very considerable portion of their army at Kalafat, but they have thereby greatly weakened Omar Pasha; and should the Russians, by concentrating a large force and crossing the Danube which they will easily be able to do, defeat the Turkish commander-in-chief, Constantinople may be in their hands in three months. It is stated that we are going to make an entrenched camp at Gallipoli to save the capital; but when all Turkey is in the hands of the Russians, where is the use of saving the capital? In this most critical state of things, it is said that Lord Stratford has been hammering out of the unfortunate Turks concessions in favour of the Christians; but is that generous? Is it fair, for the assistance we give them, to get out of them concessions in favour of the Christians? Is it politic, I ask? You have got at the head of the Turkish Government the most enlightened of Turkish Ministers. He is a man who will make all possible concessions; but give him time; otherwise you will undermine his authority and strengthen the fanatical party in Turkey, and the result may be that you will have a rebellion in Turkey. I read a letter from Constantinople in which it is stated that some delay has occurred in the signing of the convention between England, France, and Turkey—on account of some demands in favour of the Christians, and that the Turks openly declare that they had better give way to the Russians at once, for then they would only have one master instead of four with which they are now threatened;—the writer adds—that no doubt it would be mortifying to them, but that submit they must. I ask, is that politic? I say you are doing all you can to prevent these Christians having these privileges. You are asking the Turkish Government to put the Christians into the army, and to submit them to conscription. If you desired to check the progress making by the Christians, and to render them miserable, you could not devise a better plan than that. What will be the result? You may not take advantage of these conventions and articles, but the French and the Austrians will do so, and you will find those persons who may be taken for the army, under some plea of exemption, going to the French and Austrian Ambassadors, and seeking their intervention; and we shall have no end of interventions every day. Then, it is said they must abolish the capitation tax; but recollect at the same time the great mass of revenue you call upon the Turkish Government to abolish at once and at a most critical period. I cannot better illustrate the mode in which the Porte views these demands than by relating an anecdote. I think it was in the year 1844 that the dragoman of the British Embassy, after having had a long discusssion with the Minister for Foreign Affairs about the abolition of some imposition of which the Christians complained, and which the Porte agreed to do away with, was rising to depart, when the Pasha stopped him, and said:—

> "We have a favour to ask of your Government, which, of course, will be conceded as readily as that we have just granted to you. The Sultan has received a petition praying him to intercede with Her Majesty the Queen on behalf of the poor people of England, who it appears cannot eat their bread without paying a tax for it."

The document to which the Pasha referred was signed by various persons, and amongst them by the hon. Member for the West Riding, and it asked for the intercession of the Sultan on behalf of the people of this country, requesting of him to use his influence with Her Majesty's Government to abolish the tax upon bread. I ask all those who have the interests of the Christians in Turkey at heart not to embarrass the Turkish Government at present, and they will get these concessions in good time. But do not, while you talk of defending Turkey and are making arrangements to defend her territory, be persecuting Reshid Pasha until you drive him to tears, in order to extort from him, almost at the peril of his life, measures which are in direct violation of the civil and religious law of Turkey. Is it, I ask again, generous or politic to do so?

I think we have been greatly misled as to the intentions of Austria. She never can embark in any policy which would really lead to the ends most essential to the interests of this country and of Europe. Her interests are substantially the same as Russian interests. Like Russia, she can never tolerate a strong or a liberal State in Turkey—she must have there a weak Government and divided populations, amongst whom she can intrigue. She may assist in getting back the *status quo ante bellum*, but she will go no further. I cannot refer, with respect to Austria, to a higher authority than the noble Viscount before me (Visct. Palmerston), and I will read what that noble Lord said with respect to her in 1849: in a well-known speech, he laid down, in terms equally forcible and just, our true policy in regard to that country, and pointed out the mistakes we were in danger of committing. The noble Viscount said:—

> "It is not as the ancient ally of England during war—it is not as the means of resistance in the centre of Europe to any general disturbance of the balance of power—it is as the former (though I trust it is no longer so)—the former symbol of resistance to improvement, political and social—it is in that capacity that Austria has won the affections of some men in the conduct of public affairs. There are persons who see in the relations of countries nothing but the intercourse of Cabinets—who value a country not for its political weight, but for its political opinions—and who consider that the relations between countries are sufficiently intimate when the personal intercourse of their Governments is placed on a complimentary footing. Sir, there are men who, having passed their whole lives in adoring the Government of Austria, because they deemed it the great symbol of the opinions they entertained, at last became fickle in their attachment, and transferred their allegiance to the Government of France, because they thought that in that Government they saw an almost equal degree of leaning to the arbitrary principle, and because they, forsooth, suspected that Government of designs hostile to the interests of freedom. We have heard of persons of that sort making use of the expression 'old women.' Public men ought not to deal in egotism, and I will not apply to them the expression that has fallen from their own mouths. I will only say that the conduct of such men is an example of antiquated imbecility."—[2 *Hansard*, cvii. 809.]

If the description which the noble Lord gave of it was given merely in reference to its juvenile days, or its days of indiscretion, we might hope that during the few years which have since elapsed it might have been improved; but I fear antiquated imbecility is a hopeless and incurable malady, which can only increase as time moves on. I could also quote the speech of the noble Lord the Member for London (Lord John Russell) on the same subject, when he told us of the noble Viscount being an English Minister, and not being a French Minister, an Austrian Minister, or a Russian Minister, applying those terms by inference to the present head of the Government. We have now entered upon a most vital question, which demands the whole of our energy, and which must be met with a conviction that a great cause is at stake of the deepest interest to the country. If any Member of the Government—if any right hon. Gentleman on the Treasury benches—doubt that we are going to war to maintain great principles, if he have scruples about fighting for Mussulmans against Christians, if he have misgivings as to the justice and necessity of this war—let that man, I say, retire at once—for if he do not, he is betraying his country. This is not a moment for half-convictions and shams. If men enter into a war of this magnitude, they must do it heart and soul. The vessel of the State is in danger, it is tossed to and fro by the waves, and if there be an unsteady hand at the helm, or some person who has mistaken his mission, or who is treacherous to the cause—I say, throw your "Jonah" overboard. If you do not, your vessel will be wrecked. Let us know what you are going to do. I do not ask you to let me know what your plans of operations are. If you wished to answer me you could not, for I conscientiously believe you have no plans at all. I do not think any man should ask to have the plan of operations disclosed to the enemy, or that we should tell them what we are about to do. I do not want to know what boundaries you are going to make, or what treaties you are going to sign; the result of a war like this must be in the hands of God, and God alone can determine what the result will be. But what I want the Government to say is, that by the help of God, and relying on the stout hearts and strong arms of England, we shall do our utmost to carry this war to such an issue as will prevent Russia hereafter from returning to her aggressions, and from threatening the independence, freedom, and civilisation of Europe—that we shall take care to reduce her within limits beyond which she will not hereafter be able to go. I think we are fairly entitled to say to the Government, that if they go to war merely to defend the territory of the Ottoman empire, and to restore old treaties and the *status quo*, we are entering into an unnecessary war, which will involve us in vast expense, and may entail upon us great bloodshed, without accomplishing the ends we have in view, or protecting us from a recurrence of those very evils we are now about to make these enormous sacrifices to avoid. Now that we have entered upon this war, there can be but one end to it—the placing of Russia in such a position as will prevent her again threatening the liberties and civilisation of Europe, and aiming at such acquisition of territory as would render her dangerous to the very existence of this country. This is not a little war. It might have been made a short war if it had been taken up last year. If, after that affair of Sinope you had sent your fleet into the Black Sea, and destroyed the Russian fleet, as you might have done, you might have made a peace at once. But now you have got into a great war—a war of which no one can foretell the end. It is not easy to meet the Russians in Turkey. You do not know what Turkey is, or what are the resources of the country for the maintenance of an army. The troops may become infected with the worst of fevers, and you do not know how many of those men who are now going to that country will return, unless you make some preparations more worthy of the occasion than you appear to have done. I am told that this is not a period to bring on a discussion of this nature—not a moment to embarrass the Government by such discussions. I am not insensible of the responsibility I have taken upon myself. I have thought night and day upon the course I ought to pursue; but I have now made up my mind that I have a duty to perform, and I will not flinch from it, at whatever risk to myself. I have asked myself, is it better for us now to suffer a temporary inconvenience, and if possible place the affairs of this country in the hands of a strong and united Government, who will carry on this great war in a manner worthy of England? or, in order to avoid that inconvenience, should we allow the present state of things to go on until, from divergence of opinion, vacillation, and doubt, we shall be involved in disasters from which it may cost us incalculable sacrifices of blood and treasure to extricate ourselves? I have been told, too, that thus to expose the past policy of the Government, is to shake the confidence of France and of Germany in the straightforwardness of British Ministers, and in our sincerity in entering upon the war. It appears to me that what I have attempted to show will have precisely the contrary effect. It will prove to the world that, however much inclined any Minister, or any Government, in this country might be to compromise its dignity and interests, by listening to such proposals as those made by Russia, or by sanctioning her ambitious policy, yet that there has been but one feeling in England, and that Ministers have been compelled to adopt, however tardily, the only policy worthy of the nation. No Minister could oppose the popular feeling on the subject, and, with the exception of a small section in this House, we have one united feeling on the subject. If compromises should be proposed that would be unworthy of the dignity and character of the country, there is public opinion, and there are statesmen that are able to resist all those attempts, and to carry the country triumphantly to the position in which it should be placed. I know I may weaken my own position by intruding myself upon the House at such a moment; yet, however inexperienced I may be in this House, I feel convinced that in thus having undertaken the discharge of what I consider to be a sacred duty, I shall at least be acquitted of being influenced by any personal or party motives, or by any wish to oppose that which may be for the true interests of the country; and if I should fail in the object which I have had in view, or should have had the misfortune of incurring the displeasure of the Members of the House, I shall at least have the satisfaction of reflecting, poor as that satisfaction may be, that I have, on two occasions, warned the country against the calamities which may be impending over it.

Mr. BRIGHT:* Mr. Speaker, there are two reasons which may induce a Member of this House to address it—he may hope to convince some of those to whom he speaks, or he may wish to clear himself from any participation in a course which he believes to be evil. I presume I am one of that small section of the House to whom the hon. Gentleman who has just spoken (Mr. Layard) has referred, when he alluded to the small party who objected to the policy by which this country has arrived at the "triumphant position which it now occupies." In coming forward to speak on this occasion, I may be told that I am like a physician proposing to prescribe to-day for a man who died yesterday, and that it is of no use to insist upon views which the Government and the House have already determined to reject. I feel, however, that we are entering upon a policy which may affect the fortunes of this country for a long time to come, and I am unwilling to lose this opportunity of explaining wherein I differ from the course which the Government has pursued, and of clearing myself from any portion of the responsibility which attaches to those who support the policy which the Government has adopted. We are asked to give our confidence to the Administration in voting the Address to the Crown, which has been moved by the noble Lord the Member for London, and to pledge our support to them in the war in which the country is now to engage. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) on a recent occasion, made use of a term which differed considerably from what he said in a former debate; he spoke of this war as a "just and unnecessary war." I shall not discuss the justice of the war. It may be difficult to decide a point like this, seeing that every war undertaken since the days of Nimrod has been declared to be just by those in favour of it; but I may at least question whether any war that is unnecessary can be deemed to be just. I shall not discuss this question on the abstract principle of peace at all price, as it is termed, which is held by a small minority of persons in this country, founded on religious opinions which are not generally received, but I shall discuss it entirely on principles which are held unanimously by all the Members of this House. I shall maintain that when we are deliberating on the question of war, and endeavouring to prove its justice or necessity, it becomes us to show that the interests of the country are clearly involved; that the objects for which the war is undertaken are probable, or, at least, possible of attainment; and, further, that the end proposed to be accomplished is worth the cost and the sacrifices which we are about to incur. I think these are fair principles on which to discuss this question, and I hope that when the noble Lord the Member for Tiverton (Lord Palmerston) rises during this debate, he will not assume that I have dealt with it on any other principles than these. The House should bear in mind, that at this moment we are in intimate alliance with a neighbouring Government, which was, at a recent period, the originator of the troubles which have arisen at Constantinople. I do not wish to blame the French Government, because nothing could have been more proper than the manner in which it had retired from the difficulty it had created; but it is nevertheless quite true that France, having made certain demands upon Turkey with regard to concessions to the Latin Church, backed by a threat of the appearance of a French fleet in the Dardanelles, which demands Turkey had wholly or partially complied with; Russia, the powerful neighbour of Turkey, being on the watch, made certain other demands, having reference to the Greek Church; and Russia at the same time required, and this I understand to be the real ground of the quarrel, that Turkey should define by treaty, or convention, or by a simple note, or memorandum, what was conceded, and what were the rights of Russia, in order that the Government of Russia might not suffer in future from the varying policy and the vacillation of the Ottoman Government.

Now, it seems to me quite impossible to discuss this question without considering the actual condition of Turkey. The hon. Member for Aylesbury (Mr. Layard) assumes that they who do not agree in the policy he advocates are necessarily hostile to the Turks, and have no sympathy for Turkey. I repudiate such an assumption altogether. I can feel for a country like that, if it be insulted or oppressed by a powerful neighbour; but all that sympathy may exist without my being able to convince myself that it is the duty of this country to enter into the serious obligation of a war in defence of the rights of that country. The noble Lord the Member for Tiverton is one of the very few men in this House, or out of it, who are bold enough to insist upon it that there is a growing strength in the Turkish empire. There was a Gentleman in this House, sixty years ago, who, in the debates in 1791, expressed the singular opinion which the noble Lord now holds. There was a Mr. Stanley in the House at that period, who insisted on the growing power of Turkey, and asserted that the Turks of that day "were more and more imitating our manners, and emerging from their inactivity and indolence; that improvements of every kind were being introduced among them, and that even printing-presses had been lately established in their capital." That was the opinion of a Gentleman anxious to defend Turkey, aud speaking in this House more than sixty years ago; we are now living sixty years later, and no one now, but the noble Lord, seems to insist upon the fact of the great and growing power of the Turkish empire. If any one thing is more apparent than another, on the face of all the documents furnished to the House by the Government, of which the noble Lord is a Member, it is this, that the Turkish empire is falling, or has fallen, into a state of decay, and into anarchy so permanent as to have assumed a chronic character. The noble Lord surely has not forgotten that Turkey has lost the Crimea and Bessarabia, and its control over the Danubian Principalities; that the kingdom of Greece has been carved out of it; that it has lost its authority over Algiers, and has run great risk of being conquered by its own vassal the Pasha of Egypt; and from this he might have drawn the conclusion that that empire was gradually falling into decay, and that to pledge ourselves to effect its recovery and sustentation, is to undertake what no human power will be able to accomplish. I only ask the House to turn to the statements which will be found nearly at the end of the first of the blue books recently placed on the table of the House, and they will find that there is scarcely any calamity which can be described as afflicting any country, which is not there proved to be present, and actively at work, in almost every province of the Turkish empire. And the House should bear in mind, when reading these despatches from the English Consuls in Turkey to the English Ambassador at Constantinople, that they give a very faint picture of what really exists, because what are submitted to us are but extracts of more extended and important communications. It may fairly be assumed that the parts which are not published are those which described the state of things to be so bad, that the Government has been unwilling to lay before the House, and the country, and the world, that which would be so offensive and so injurious to its ally the Sultan of Turkey. But, if other evidence be wanting, is it not a fact, that Constantinople is the seat of intrigues and factions to a degree not known in any other country or capital in the world? France demands one thing, Russia another, England a third, and Austria something else. For many years past our Ambassador at Constantinople has been partly carrying on the Government of that country, and influencing its policy, and it is the city in which are fought the diplomatic contests of the great Powers of Europe. And if I have accurately described the state of Turkey, what is the position of Russia? It is a powerful country, under a strong Executive Government; it is adjacent to a weak and falling people; it has in its history the evidences of a succession of triumphs over Turkey; it has religious affinities with a majority of the population of European Turkey which make it absolutely impossible that its Government should not, more or less, interfere, or have a strong interest, in the internal policy of the Ottoman empire. Now, if we were Russian—and I put the case to the Members of this House—is it not likely, according to all the theories I have heard explained when we have been concerned in similar cases, that a large majority of the House and the country would be strongly in favour of such intervention as Russia had attempted? and if I opposed it, as I certainly should oppose it, I should be in a minority on that question more insignificant than that in which I have now the misfortune to find myself with regard to the policy of the Government on the grave question now before us.

The noble Lord the Member for London has made a statement of the case of the Government, and in favour of this Address to the Crown; but I thought it was a statement remarkably feeble in fact and in argument, if intended as a justification of the course he and his Colleagues have taken. For the purposes of the noble Lord's defence, the Russian demand upon Turkey is assumed to be something of far greater importance than I have been able to discover it to be from a careful examination of the terms in which it was couched. The noble Lord himself, in one of his despatches, admits that Russia had reason to complain, that she has certain rights and duties by treaty, and by tradition, with regard to the protection of the Christians in Turkey. Russia asserted these rights, and wished to have them defined in a particular form; and it was on the question of the form of the demand, and the manner in which it should be conceded, that the whole of this unfortunate difference has arisen. Now, if Russia made certain demands on Turkey, this country insisted that Turkey should not consent to them; for although the noble Lord had attempted to show that Turkey herself, acting for herself, had resolved to resist, I defy any one to read the despatches of Lord Stratford de Redcliffe without coming to the conclusion that, from the beginning to the end of the negotiations, the English Ambassador had insisted, in the strongest manner, that Turkey should refuse to make the slightest concession on the real point at issue in the demands of the Russian Government. As a proof of that statement, I may refer to the account given by Lord Stratford de Redcliffe, in his despatch of the 5th of May, 1853, of the private interview he had with the Sultan, the Minister of the Sultan having left him at the door, that the interview might be strictly private. In describing that interview, Lord Stratford says, "I then endeavoured to give him a just idea of the degree of danger to which his empire was exposed." The Sultan was not sufficiently aware of his danger, and the English Ambassador "endeavoured to give him a just idea of it;" and it was by means such as this that he urged upon the Turkish Government the necessity of resistance to any of the demands of Russia, promising the armed assistance of England, whatever consequences might ensue. From the moment that promise was made, or from the moment it was sanctioned by the Cabinet at home, war was all but inevitable; they had entered into a partnership with the Turkish Government (which, indeed, could scarcely be called a Government at all), to assist it by military force; and Turkey, having old quarrels to settle with Russia, and old wrongs to avenge, was not slow to plunge into the war, having secured the co-operation of two powerful nations, England and France, in her quarrel. Now, I have no special sympathy with Russia, and I refuse to discuss or to decide this question on grounds of sympathy with Russia or with Turkey; I consider it simply as it affects the duties and the interests of my own country. I find that after the first proposition for a treaty had been made by Prince Menchikoff, that envoy made some concession, and asked only for a *Sened*, or Convention; and when that was disapproved of, he offered to accept a note, or memorandum merely, that should specify what should be agreed upon. But the Turk was advised to resist, first the treaty, then the convention, and then the note or memorandum; and an armed force was promised on behalf of this country; at the same time he knew that he would incur the high displeasure of England and France, and especially of England, if he made the slightest concession to Russia. It was about the middle of May that Prince Menchikoff left Constantinople, not having succeeded in obtaining any concession from the Porte; and it was on the 3rd of July that the Russian forces crossed the Pruth; thinking, I believe, by making a dash at the Principalities, to coerce Turkey, and deter her allies from rendering her the promised support. It has been assumed by some that if England had declared war last year, Russia would have been deterred from any further step, and that the whole matter would have been settled at once. I, however, have no belief that Russia on the one hand, or England and France on the other, would have been bullied into any change of policy by means of that kind.

I come now to the celebrated "Vienna note." I am bound here to say, that nobody has yet been able clearly to explain the difference between the various notes Turkey has been advised to reject, and this and other notes she has been urged to accept. With respect to this particular note, nobody seems to have understood it. There were four Ambassadors at Vienna, representing England, France, Austria, and Prussia; and these four gentlemen drew up the Vienna note, and recommended it to the Porte as one which she might accept without injury to her independence or her honour. Louis Napoleon is a man knowing the use of language, and able to comprehend the meaning of a document of this nature, and his Minister of Foreign Affairs is a man of eminent ability; and Louis Napoleon and his Minister agreed with the Ambassadors at Vienna as to the character of the Vienna note. We have a Cabinet composed of men of great individual capacity; a Cabinet, too, including no less than five Gentlemen who have filled the office of Secretary for Foreign Affairs, and who may, therefore, be presumed to understand even the sometimes concealed meaning of diplomatic phraseology. These five Foreign Secretaries, backed by the whole Cabinet, concurred with the Ambassadors of Vienna, and with the Emperor of the French and his Foreign Secretary, in recommending the Vienna note to the Sultan as a document which he might accept consistently with his honour, and with that integrity and that independence which our Government is so anxious to secure for him. What was done with this note? Passing by the marvellous stupidity, or something worse, which caused that note not to be submitted to Turkey before it was sent to St. Petersburg, he would merely state that it was sent to St. Petersburg, and was accepted in its integrity by the Emperor of Russia in the most frank and unreserved manner. We were then told—I was told by Members of the Government—that the moment the note was accepted by Russia we might consider the affair to be settled, and that the dispute would never be heard of again. When, however, the note was sent to Constantinople, after its acceptance by Russia, Turkey discovered, or thought, or said she discovered, that it was as bad as the original or modified proposition of Prince Menchikoff, and she refused the note as it was, and proposed certain modifications. And what are we to think of these arbitrators or mediators —the four Ambassadors at Vienna, and the Governments of France and England —who, after discussing the matter in three different cities, and at three distinct and different periods, and after agreeing that the proposition was one which Turkey could assent to without detriment to her honour and independence, immediately afterwards turned round, and declared that the note was one which Turkey could not be asked to accede to, and repudiated in the most formal and express manner that which they themselves had drawn up, and which, only a few days before, they had approved of as a combination of wisdom and diplomatic dexterity which had never been excelled? But it was said that the interpretation which Count Nesselrode placed upon this note made it impossible for Turkey to accede to it. I very much doubt whether Count Nesselrode placed any meaning upon it which it did not fairly warrant, and it is impossible to say whether he really differed at all from the actual intentions of the four Ambassadors at Vienna. But I can easily understand the course taken by the Russian Minister. It was this:—seeing the note was rejected by the Turk, and considering that its previous acceptance by Russia was some concession from the original demand, he issued a circular, giving such an explanation or interpretation of the Vienna note as might enable him to get back to his original position, and might save Russia from being committed and damaged by the concession, which, for the sake of peace, she had made. This circular, however, could make no real difference in the note itself; and notwithstanding this circular, whatever the note really meant, it would have been just as binding upon Russia as any other note will be that may be drawn up and agreed to at the end of the war. Although, however, this note was considered inadmissible, negotiations were continued; and at the Conference at Olmutz, at which the Earl of Westmoreland was present, the Emperor of Russia himself expressed his willingness to accept the Vienna note—not in the sense that Count Nesselrode had placed upon it, but in that which the Ambassadors at Vienna declared to be its real meaning, and with such a clause as they should attach to it, defining its real meaning. It is impossible from this fairly to doubt the sincerity of the desire for peace manifested by the Emperor of Russia. He would accept the note prepared by the Conference at Vienna, sanctioned by the Cabinets in London and Paris, and according to the interpretation put upon it by those by whom it had been prepared,—such interpretation to be defined in a clause, to be by them attached to the original note. But in the precise week in which these negotiations were proceeding apparently to a favourable conclusion, the Turkish Council, consisting of a large number of dignitaries of the Turkish empire—not one of whom, however, represented the Christian majority of the population of Turkey, but inspired by the fanaticism and desperation of the old Mahomedan party—assembled; and, fearful that peace would be established, and that they would lose the great opportunity of dragging England and France into a war with their ancient enemy, the Emperor of Russia, they came to a sudden resolution in favour of war; and in the very week in which Russia agreed to the Vienna note in the sense of the Vienna Conference, the Turks declared war against Russia,—the Turkish forces crossed the Danube, and began the war, involving England in an inglorious and costly struggle, from which this Government and a succeeding Government may fail to extricate us. I differ very much from those Gentlemen who condemn the Government for the tardy nature of their proceedings. I never said or thought that the Government was not honestly anxious for peace; but I believe, and indeed I know, that at an early period they committed themselves and the country to a policy, which left the issue of peace or war in other hands than their own—namely, in the hands of the Turks, the very last hands in which I am willing to trust the interests and the future of this country. In my opinion, the original blunder was committed when the Turks were advised to resist and not to concede; and the second blunder was made when the Turks were supported in their rejection of the Vienna note; for the moment the four Powers admitted that their recommendation was not necessarily to be accepted by the Porte, they put themselves entirely into the hands of the Turk, and might be dragged into any depth of confusion and war in which that respectable individual might wish to involve them.

The course taken by Turkey in beginning the war was against the strong advice of her allies; but notwithstanding this, the moment the step was taken, they turned round again, as in the case of the Vienna note, and justified and defended her in the course she had adopted, in defiance of the remonstrances they had urged against it. In his speech to-night, the noble Lord (Lord J. Russell) has occupied some time in showing that Turkey was fully justified in declaring war. I should say nothing against that view, if Turkey were fighting on her own resources; but I maintain that, if she is in alliance with England and France, the opinions of those Powers should at least have been heard, and that, in case of her refusal to listen to their counsel, they would have been justified in saying to her, "If you persist in taking your own course, we cannot be involved in the difficulties to which it may give rise, but must leave you to take the consequences of your own acts." But this was not said, and the result is, that we are dragged into a war by the madness of the Turk, which, but for the fatal blunders we have committed, we might have avoided.

There have been three plans for dealing with this Turkish question, advocated by as many parties in this country. The first finds favour with two or three Gentlemen who usually sit on the bench below me—with a considerable number out of doors—and with a portion of the public press. These persons were anxious to have gone to war during last summer. They seem actuated by a frantic and bitter hostility to Russia, and without considering the calamities in which they might involve this country, they have sought to urge it into a great war, as they imagined, on behalf of European freedom, and in order to cripple the resources of Russia. I need hardly say that I have not a particle of sympathy with that party, or with that policy. I think nothing can be more unwise than that party, and nothing more atrocious than their policy. But there was another course recommended, and which the Government has followed. War delayed, but still certain—arrangements made which placed the issue of war in other hands than in those of the Government of this country—that is the policy which the Government has pursued, and in my opinion it is fatal to Turkey, and disastrous to England. There is a third course, and which I should have, and indeed have all along recommended—that war should have been avoided by the acceptance on the part of Turkey either of the last note of Prince Menchikoff, or of the Vienna note; or, if Turkey would not consent to either, that then she should have been allowed to enter into the war alone, and England and France—supposing they had taken, and continued to take, the same view of the interests of Western Europe which they have hitherto taken—might have stood aloof until the time when there appeared some evident danger of the war being settled on terms destructive of the balance of power; and then they might have come in, and have insisted on a different settlement. I would either have allowed or compelled Turkey to yield, or would have insisted on her carrying on the war alone. The question is, whether the advantages both to Turkey and England of avoiding war altogether, would have been less than those which are likely to arise from the policy which the Government has pursued? Now, if the noble Lord the Member for Tiverton is right in saying that Turkey is a growing Power, and that she has elements of strength which unlearned persons like myself know nothing about, surely no immediate, or sensible, or permanent mischief could have arisen to her from the acceptance of the Vienna note, which all the distinguished persons who agreed to it have declared to be perfectly consistent with her honour and independence. If she has been growing stronger and stronger of late years, surely she would have grown still stronger in the future, and there might have been a reasonable expectation that, whatever disadvantages she might have suffered for a time from that note, her growing strength would have enabled her to overcome, and the peace of Europe might have been preserved. But suppose that Turkey is not a growing Power, but that the Ottoman rule in Europe is tottering to its fall, I come to the conclusion that, whatever advantages were afforded to the Christian population of Turkey would have enabled them more rapidly to grow in numbers, in industry, in wealth, in intelligence, and in political power; and that, as they thus increased in influence, they would have become more able, in case any accident, which might not be far distant, occurred, to supplant the Mahomedan rule, and to establish themselves in Constantinople as a Christian State, which, I think every man who hears me will admit is infinitely more to be desired than that the Mahomedan power should be permanently sustained by the bayonets of France and the fleets of England. Europe would thus have been at peace; for I do not think even the most bitter enemies of Russia believe that the Emperor of Russia intended last year, if the Vienna note or Prince Menchikoff's last and most moderate proposition had been accepted, to have marched on Constantinople. Indeed, he had pledged himself in the most distinct manner to withdraw his troops at once from the Principalities, if the Vienna note were accepted; and therefore in that case Turkey would have been delivered from the presence of the foe; peace would for a time have been secured to Europe; and the whole matter would have drifted on to its natural solution—which is, that the Mahomedan power in Europe should eventually succumb to the growing power of the Christian population of the Turkish territories. The noble Lord the Member for London, and his Colleague the noble Lord the Member for Tiverton, when they speak of the aggrandisement of Russia relatively to the rest of Europe, always speak of the "balance of power," a term which it is not easy to define. It is a hackneyed term—a phrase to which it is difficult to attach any definite meaning. I wish the noble Lord would explain what is meant by the balance of power. In 1791, the whole Whig party repudiated the proposition that Turkey had anything to do with the balance of power. Mr. Burke, in 1791, when speaking on that subject, used the following language:—

> "He had never heard it said before, that the Turkish empire was ever considered as any part of the balance of power in Europe. They had nothing to do with European policy; they considered themselves as wholly Asiatic. What had these worse than savages to do with the Powers of Europe, but to spread war, destruction, and pestilence among them? The Ministry and the policy which would give these people any weight in Europe, would deserve all the bans and curses of posterity. All that was holy in religion, all that was moral and humane, demanded an abhorrence of everything which tended to extend the power of that cruel and wasteful empire. Any Christian Power was to be preferred to these destructive savages.

Mr. Whitbread, on the same occasion, said:—

> "Suppose the Empress at Constantinople, and the Turks expelled from the European provinces, would any unprejudiced man contend that by such an event mankind would not be largely benefited? Would any man contend that the expulsion of a race of beings whose abominable tyranny proscribed the arts, and literature, and everything that was good, and great, and amiable, would not conduce to the prosperity and happiness of the world? He was convinced it would. This was an event with which the paltry consideration of the

> nice adjustment of the balance in Europe was not to be put in competition, although he was a friend to that balance on broad and liberal principles. He abhorred the wretched policy which could entertain a wish that the most luxuriant part of the earth should remain desolate and miserable, that a particular system might be maintained."

And Mr. Fox, when speaking of Mr. Pitt's system, said,—and be it remembered that nobody is so great an authority with the noble Lord the Member for London as Mr. Fox, whose words I am now about to quote:—

> "His (Mr. Pitt's) defensive system was wicked and absurd—that every country which appeared, from whatever cause, to be growing great, should be attacked; that all the Powers of Europe should be confined to the same precise situation in which this defensive system found them." "Her (Russia's) extent of territory, scanty revenue, and thin population, made her power by no means formidable to us—a Power whom we could neither attack nor be attacked by; and this was the Power against which we were going to war. Overturning the Ottoman empire he conceived to be an argument of no weight. The event was not probable; and if it should happen, it was more likely to be of advantage than injurious to us."

It will probably be said, that these were opinions held by Gentlemen who sat on that side of the House, and who were ready to advocate any course that might serve to damage the Ministers of the day. I should be sorry to think so, especially of a man whose public character is so much to be admired as is that of Mr. Fox; but I will come to a much later period, and produce authority of a very similar kind. Many hon. Members now in the House recollect the late Lord Holland, and they all know his sagacity and what his authority was with the party with which he was connected. What did he say? Why, so late as the year 1828, when this question was mooted in the House of Lords, he said:—

> "No, my Lords, I hope I shall never see—God forbid I ever should see—for the proposition would be scouted from one end of England to another—any preparations or any attempt to defend this our 'ancient ally' from the attacks of its enemies. There was no arrangement made in that treaty for preserving the crumbling and hateful, or, as Mr. Burke called it, that wasteful and disgusting empire of the Turks, from dismemberment and destruction; and none of the Powers who were parties to that treaty will ever, I hope, save the falling empire of Turkey from ruin."

I hope it will not be supposed that I am animated by any hostility to Turkey, in quoting sentiments and language such as this, for I have as much sympathy with what is just towards that country as any other man can have; but the question is, not what is just to Turkey, but what is just to this country, and what this House, as the depositary of the power of this country, has a right to do with regard to this most dangerous question. I am, therefore, at liberty to quote from the statesmen of 1791 and 1828, the political fathers and authorities of the noble Lord the Member for London, and to say, that if I hold opinions different from those held by the Government, I am, at least, not singular in those opinions, for I can quote great names and high authorities in support of the course I am taking. This "balance of power" is in reality the hinge on which the whole question turns. But if that is so important as to be worth a sanguinary war, why did you not go to war with France when she seized upon Algiers? That was a portion of Turkey not quite so distinct, it is true, as are the Danubian Principalities; but still Turkey had sovereign rights over Algiers. When, therefore, France seized on a large portion of the northern coast of Africa, might it not have been said that such an act tended to convert the Mediterranean into a French lake,—that Algiers lay next to Tunis, and that, having conquered Tunis, there would remain only Tripoli between France and Alexandria, and that the "balance of power" was being destroyed by the aggrandisement of France? All this might have been said, and the Government might easily have plunged the country into war on that question. But happily the Government of that day had the good sense not to resist, and the result had not been disadvantageous to Europe; this country had not suffered from the seizure of Algiers, and England and France had continued at peace. Take another case—the case of the United States. The United States waged war with Mexico—a war with a weaker State—in my opinion an unjust and unnecessary war. If I had been a citizen of the American Republic, I should have condemned that war; but might it not have been as justly argued that, if we allowed the aggressive attacks of the United States upon Mexico, her insatiable appetite would soon be turned towards the north—towards the dependencies of this empire—and that the magnificent colonies of the Canadas would soon fall a prey to the assaults of their rapacious neighbour? But such arguments were not used, and it was not thought necessary to involve this country in a war for the support of Mexico, although the

Power that was attacking that country lay adjacent to our own dominions. If this phrase of the "balance of power" is to be always an argument for war, the pretence for war will never be wanting, and peace can never be secure. Let any one compare the power of this country with that of Austria now, and forty years ago. Will any one say that England, compared with Austria, is not now three times as powerful as she was thirty or forty years ago? Austria has a divided people, bankrupt finances, and her credit is so low, that she cannot borrow a shilling out of her own territories; England has a united people, national wealth rapidly increasing, and a mechanical and productive power to which that of Austria is as nothing. Might not Austria complain that we have disturbed the "balance of power" because we are growing so much stronger from better government, from the greater union of our people, from the wealth that is created by the hard labour and skill of our population, and from the wonderful development of the mechanical resources of the kingdom, which is seen on every side? If this phrase of the "balance of power," the meaning of which nobody can exactly make out, is to be brought in on every occasion, to stimulate this country to war, there is an end to all hope of permanent peace. There is, indeed, a question of a "balance of power" which this country might regard, if our statesmen had a little less of those narrow views which they sometimes arrogantly impute to me, and to those who think with me. If they could get beyond those old notions which belong to the traditions of Europe, and cast their eyes as far westward as they are now looking eastward, they might there see a power growing up in its gigantic proportions, which will teach us before very long where the true "balance of power" is to be found. This struggle may indeed begin with Russia, but it may end with half the States of Europe; for Austria and Prussia are just as likely to join with Russia as with England and France, and probably much more so; and we know not how long alliances which now appear very secure, may remain so; for the circumstances in which the Government has involved us are of the most critical character, and we stand upon a mine which may explode any day. Give us seven years of this infatuated struggle upon which we are now entering, and let the United States remain at peace during that period, and who shall say what will then be the relative positions of the two nations? Have you read the Reports of your own Commissioners to the New York Exhibition? Do you comprehend what is the progress of that country, as exhibited in its tonnage, and exports, and imports, and manufactures, and in the development of all its resources, and the means of transit? There has been nothing like it hitherto under the sun. The United States may profit to a large extent by the calamities which will befall us; whilst we, under the miserable and lunatic idea that we are about to set the worn-out Turkish empire on its legs, and permanently to sustain it against the aggressions of Russia, are entangled in a war. Our trade will decay and diminish —our people, suffering and discontented, as in all former periods of war, will emigrate in increasing numbers to a country whose wise policy it is to keep itself free from the entanglement of European politics—to a country with whom rests the great question, whether England shall, for any long time, retain that which she professes to value so highly—her great superiority in industry and at sea. This whole notion of "the balance of power" is a mischievous delusion which has come down to us from past times; we ought to drive it from our minds, and to consider the solemn question of peace or war on more clear, more definite, and on far higher principles than any that are involved in the phrase, "the balance of power." What is it the Government propose to do? Let us examine their policy as described in the message from the Crown, and in the Address which has been moved to-night. As I understand it, we are asked to go to war to maintain the "integrity and independence of the Ottoman empire"—to curb the aggressive power of Russia—and to defend the interests of this country. These are the three great objects to which the efforts and resources of this country are to be directed. The noble Lord the Member of London is, I think, the author of the phrase, "the integrity and independence" of Turkey. If I am not mistaken, he pledged himself to this more than a year ago, when he was Secretary of State for Foreign Affairs, in a letter to somebody at Newcastle-on-Tyne, in answer to an Address from certain enthusiasts in that town, who exhorted the Government to step in for the support of the Ottoman empire. But what is the condition of that empire at this moment? I have already described to the House what it would have been if my policy had been adopted—if the thrice-modified note of Prince Menchikoff had been accepted, or if the Vienna note had been assented to by the Porte. But what is it now under the protection of the noble Lord and his Colleagues? At the present moment there are no less than three foreign armies on Turkish soil: there are 100,000 Russian troops in Bulgaria; there are armies from England and France approaching the Dardanelles, to entrench themselves on Turkish territory, and to return nobody knows when. All this can hardly contribute to the "independence" of any country. But more than this; there are insurrections springing up in almost every Turkish province, and insurrections which must, from the nature of the Turkish Government, widely extend; and it is impossible to describe the anarchy which must prevail, inasmuch as the control heretofore exercised by the Government to keep the peace is now gone, by the withdrawal of its troops to the banks of the Danube; and the licence and demoralisation engendered by ages of bad government will be altogether unchecked. In addition to these complicated horrors, there are 200,000 men under arms; the state of their finances is already past recovery; and the allies of Turkey are making demands upon her far beyond anything that was required by Russia herself. Can anything be more destructive of the "integrity and independence" of Turkey than the policy of the noble Lord? I have seen only this day a letter in the *Times* from its correspondent at Constantinople, which states that Lord Stratford de Redcliffe and one of the Pashas of the Porte had spent a whole night in the attempt to arrange concessions which her allies had required on behalf of the Christian population of Turkey. The Christians are to be allowed to hold landed property; the capitation tax is to be abolished—for they are actually contending for the abolition of that which the hon. Member for Aylesbury (Mr. Layard) says is a positive benefit to those upon whom it is imposed; and the evidence of Christians is to be admitted into courts of justice. But the *Times'* correspondent asks, what is the use of a decree at Constantinople, which will have no effect in the provinces?—for the judges are Turks of the old school, and they will have little sympathy with a change under which a Christian in a court of justice is made equal with his master the Turk. This correspondent describes what Turkey really wants—not three foreign armies on her soil, nor any other thing which our Government is about to give her, but "a pure executive, a better financial administration, and sensible laws;" and it must be admitted that the true wants of the country are not likely soon to be supplied. Now, so far as regards Turkey herself, and the "integrity and independence" of that empire, I put it seriously to the House—do you believe, if the Government and Lord Stratford de Redcliffe had advised Turkey to accept the last note of Prince Menchikoff, a note so little different from the others, offered before and since, that it was impossible to discover in what the distinction consisted; or if the Government had insisted on Turkey accepting, as the condition of their co-operation, the Vienna note, either as at first proposed by the Conference, or with the explanatory definitions with which the Emperor of Russia at Olmutz offered to accept it, that they would have injured the "integrity and independence" of Turkey? Nay, I will not insult you by asking whether, under such circumstances, that "integrity and independence" would not have been a thousand times more secure than it is at this hour? If that be true, then the "balance of power" theory has been entirely overthrown by the policy of the Government, for no one will argue that Turkey will come out of her present difficulties more able to cope with the power of Russia than she was before. With her finances hopelessly exhausted, will she ever again be able to raise an army of 200,000 men? But there are men, and I suspect there are statesmen, in this country, and men in office, too, who believe that Turkey will not be Turkey at the end of this war—that she cannot come out of it an Ottoman Power—that such a convulsion has been created, that while we are ready to contend with half the world to support the "integrity and independence" of the Ottoman empire, there will shortly be no Ottoman empire to take the benefit of the enormous sacrifices we are about to make.

But we are undertaking to repress and to curb Russian aggression. These are catching words; they have been amplified in newspapers, and have passed from mouth to mouth, and have served to blind the eyes of multitudes wholly ignorant of the details of this question. If Turkey has been in danger from the side of Russia heretofore, will she not be in far greater danger when the war is over? Russia is always there. You do not propose to dismember Russia, or to blot out her name from the map, and her history from the records of Europe. Russia will be always there—always powerful, always watchful, and actuated by the same motives of ambition, either of influence or of territory, which are supposed to have moved her in past times. What, then, do you propose to do? and how is Turkey to be secured? Will you make a treaty with Russia, and force conditions upon her? But if so, what security have you that one treaty will be more binding than another? It is easy to find or make a reason for breaking a treaty, when it is the interest of a country to break it. I recollect reading a statement made by the illustrious Washington, when it was proposed to land a French army in North America, to assist the colonies in overthrowing the yoke of this country. Washington was afraid of them—he did not know whether these allies once landed might not be as difficult to get rid of as the English troops he was endeavouring to expel; for, said he, "whatever may be the convention entered into, my experience teaches me that nations and Governments rarely abide by conventions or treaties longer than it is their interest to do so." So you may make a treaty with Russia; but if Russia is still powerful and ambitious—as she certainly will be—and, if Turkey is exhausted, and enfeebled by the war—as she certainly will be—then I want to know what guarantee you have, the moment the resources of Russia have recovered from the utmost degree of humiliation and exhaustion to which you may succeed in reducing her, that she will not again insist on terms with Turkey infinitely more perilous than those you have now ruined Turkey by urging her to refuse? It is a delusion to suppose you can dismember Russia — that you can blot her from the map of Europe — that you can take guarantees from her, as some seem to imagine, as easily as you take bail from an offender, who would otherwise go to prison for three months. England and France cannot do this with a stroke of the pen, and the sword will equally fail if the attempt be made.

But I come now to another point. How are the interests of England involved in this question? This is, after all, the great matter which we, the representatives of the people of England, have to consider. It is not a question of sympathy with any other State. I have sympathy with Turkey; I have sympathy with the serfs of Russia; I have sympathy with the people of Hungary, whose envoy the noble Lord the Member for Tiverton refused to see, and the overthrow of whose struggle for freedom by the armies of Russia he needlessly justified in this House; I have sympathy with the Italians, subjects of Austria, Naples, and the Pope; I have sympathy with the three millions of slaves in the United States; but it is not on a question of sympathy that I dare involve this country, or any country, in a war which must cost an incalculable amount of treasure and of blood. It is not my duty to make this country the knight-errant of the human race, and to take upon herself the protection of the thousand million of human beings who have been permitted by the Creator of all things to people this planet. I hope no one will assume that I would invite—that is the phrase which has been used—the aggressions of Russia. If I were a Russian, speaking in a Russian Parliament, I should denounce any aggression upon Turkey, as I now blame the policy of our own Government; and I greatly fear I should find myself in a minority, as I now find myself in a minority on this question. But it has never yet been explained how the interests of this country are involved in the present dispute. We are not going to fight for tariffs, or for markets for our exports. In 1791, Mr. Grey argued that, as our imports from Russia exceeded 1,000,000*l*. sterling, it was not desirable that we should go to war with a country trading with us to that amount. In 1853, Russia exported to this country at least 14,000,000*l*. sterling, and that fact affords no proof of the increasing barbarism of Russia, or of any disregard of her own interests as respects the development of her resources. What has passed in this House since the opening of the present Session? We had a large surplus revenue, and our Chancellor of the Exchequer is an ambitious Chancellor. I have no hope in any statesman who has no ambition; he can have no great object before him, and his career will be unmarked by any distinguished services to his country. When the Chancellor of the Exchequer entered office, doubtless he hoped, by great services to his country, to build up a reputation such as a man may labour for and live for. Every man in this House, even those most opposed to him, acknowledged the remarkable capacity which he displayed during the last Session, and the country has set its seal to this—that his financial measures, in the remission and readjustment of taxation, were worthy of the approbation of the great body of the people. The right hon. Gentleman has been blamed for his speech at Manchester, not for making the speech, but because it differed from the tone of the speech made by the noble Lord, his Colleague in office, at Greenock. I observed that difference. There can be no doubt that there has been, and that there is now, a great difference of opinion in the Cabinet on this Eastern question. It could not be otherwise; and Government has gone on from one step to another; they have drifted—to use the happy expression of Lord Clarendon to describe what is so truly unhappy—they have drifted from a state of peace to a state of war; and to no Member of the Government could this state of things be more distressing than to the Chancellor of the Exchequer, for it dashed from him the hopes he entertained that Session after Session, as trade extended and the public revenue increased, he would find himself the beneficent dispenser of blessings to the poor, and indeed to all classes of the people of this kingdom. Where is the surplus now? No man dare even ask for it, or for any portion of it. Here is my right hon. Friend and Colleague, who is resolved on the abolition of the newspaper stamp. I can hardly imagine a more important subject than that, if it be desirable for the people to be instructed in their social and political obligations; and yet my right hon. Friend has scarcely the courage to ask for the abolition of that odious tax. I believe, indeed, that my right hon. Friend has a plan to submit to the Chancellor by which the abolition of the stamp may be accomplished without sacrifice to the Exchequer, but that I will not go into at present. But this year's surplus is gone—and next year's surplus is gone with it; and you have already passed a Bill to double the income tax. And it is a mistake to suppose that you will obtain double the sum by simply doubling the tax. Many persons make an average of their incomes, and make a return accordingly. The average will not be sustained at the bidding of Parliament; and profits that were considerable last year, will henceforth show a great diminution, or will have vanished altogether. I mention this for the benefit of the country Gentlemen, because it is plain that real property, lands and houses, must bear the burden of this war; for I will undertake to say, that the Chancellor of the Exchequer will prefer to leave that bench, and will take his seat in some other quarter of the House rather than retrace the steps which Sir Robert Peel took in 1842. He is not the promoter of this war; his speeches have shown that he is anxious for peace, and that he hoped to be a Minister who would dispense fiscal blessings to the people; and I do not believe the right hon. Gentleman will consent to be made the instrument to reimpose upon the country the Excise duties which have been repealed, or the import duties which, in past times, inflicted such enormous injury upon trade. The property tax is the lever, or the weapon, with which the proprietors of lands and houses in this kingdom will have to support the "integrity and independence" of the Ottoman empire. Gentlemen, I congratulate you, that every man of you has a Turk upon his shoulders. The hon. Member for Aylesbury (Mr. Layard) spoke of our "triumphant position"—the position in which the Government has placed us by pledging this country to support the Turks. I see nothing like a triumph in the fact, that in addition to our many duties to our own country, we have accepted the defence of twenty millions or more of the people of Turkey, on whose behalf, but, I believe, not for their benefit, we are about to sacrifice the blood and treasure of England. But there are other penalties and other considerations. I will say little about the Reform Bill, because, as the noble Lord (Lord John Russell) is aware, I do not regard it as an unmixed blessing. But I think even hon. Gentlemen opposite will admit that it would be well if the representation of the people in this House were in a more satisfactory state, and that it is unfortunate that we are not permitted, calmly and with mutual good feeling, to consider the question, undisturbed by the thunder of artillery, and undismayed by the disasters which are inseparable from a state of war. With regard to trade, I can speak with some authority as to the state of things in Lancashire. The Russian trade is not only at an end, but it is made an offence against the law to deal with any of our customers in Russia. The German trade is most injuriously affected by the uncertainty which prevails on the continent of Europe. The Levant trade, a very important branch, is almost extinguished in the present state of affairs in Greece, Turkey in Europe, and Syria. All property in trade is diminishing in value, whilst its burdens are increasing.

The funds have fallen in value to the amount of about 120,000,000*l.* sterling, and railway property is quoted at about 80,000,000*l.* less than was the case a year ago. I do not pretend to ask the hon. Member for Aylesbury (Mr. Layard) to put these losses, these great destructions of property, against the satisfaction he feels at the "triumphant position" at which we have arrived. He may content himself with the dream that we are supporting the "integrity and independence" of Turkey, though I doubt whether bringing three foreign armies on her soil, raising insurrections in her provinces, and hopelessly exhausting her finances, is a rational mode of maintaining her as an independent Power. But we are sending out 30,000 troops to Turkey, and in that number are not included the men serving on board the fleets. Here are 30,000 lives! There is a thrill of horror sometimes when a single life is lost, and we sigh at the loss of a friend—or of a casual acquaintance! But here we are in danger of losing, and I give the opinions of military men and not my own merely—10,000, or it may be 20,000 lives, that may be sacrificed in this struggle. I have never pretended to any sympathy for the military profession—but I have sympathy for my fellow-men and fellow-countrymen, wherever they may be. I have heard very melancholy accounts of the scenes which have been witnessed in the separations from families occasioned by this expedition to the East. But, it will be said, and probably the noble Lord the Member for Tiverton will say, that it is a just war, a glorious war, and that I am full of morbid sentimentality, and have introduced topics not worthy to be mentioned in Parliament. But these are matters affecting the happiness of the homes of England, and we, who are the representatives and guardians of those homes, when the grand question of war is before us, should know at least that we have a case—that success is probable—and that an object is attainable commensurate with the cost of war. There is another point which gives me some anxiety. You are boasting of an alliance with France. Alliances are dangerous things. It is an alliance with Turkey that has drawn us into this war. I would not advise alliances with any nation, but I would cultivate unity with all nations. I would have no alliance that might drag us into measures, which is neither our duty nor our interest to undertake. By our present alliance with Turkey, Turkey cannot make peace without the consent of England and France; and, by this boasted alliance with France we may find ourselves involved in great difficulties at some future period of these transactions. Sir, I have endeavoured to look at the whole of this question, and I declare, after studying the correspondence which has been laid on the table—knowing what I know of Russia and of Turkey—seeing what I see of Austria and of Prussia—feeling the enormous perils to which this country is now exposed, I am amazed at the course which the Government have pursued, and I am horrified at the results to which their policy must inevitably tend. I do not say this in any spirit of hostility to the Government. I have never been hostile to them. I have once or twice felt it my duty to speak, with some degree of sharpness, of particular Members of the Administration, but I suspect that in private they would admit that my censure was merited. But I have never entertained a party hostility to the Government. I know something of the difficulties they have had to encounter, and I have no doubt that, in taking office, they acted in as patriotic a spirit as is generally expected from Members of this House. So long as their course was one which I could support, or even excuse, they have had my support. But this is not an ordinary question; it is not a question of reforming the University of Oxford, or of abolishing "ministers' money" in Ireland; the matter now before us affects the character, the policy, and the vital interests of the empire; and when I think the Government have committed a grievous—it may be a fatal error—I am bound to tell them so. I am told indeed that the war is popular, and that it is foolish and eccentric to oppose it. I doubt if the war is very popular in this House. But as to what is, or has been popular, I may ask, what was more popular than the American war? There were persons lately living in Manchester who had seen the recruiting party going through the principal streets of that city, accompanied by the parochial clergy in full canonicals, exhorting the people to enlist to put down the rebels in the American colonies. Where is now the popularity of that disastrous and disgraceful war, and who is the man to defend it? But if hon. Members will turn to the correspondence between George III. and Lord North, on the subject of that war, they will find that the King's chief argument for continuing the war was, that it would be dishonourable in him to make peace so long as the war was popular with the people. Again, what war could be more popular than the French war? Has not the noble Lord (Lord John Russell) said, not long ago, in this House, that peace was rendered difficult if not impossible by the conduct of the English press in 1803? For myself I do not trouble myself whether my conduct in Parliament is popular or not. I care only that it shall be wise and just as regards the permanent interests of my country, and I despise from the bottom of my heart the man who speaks a word in favour of this war, or of any war which he believes might have been avoided, merely because the press and a portion of the people urge the Government to carry it on. I recollect a passage of a distinguished French writer and statesman which bears strongly upon our present position; he says:—

> "The country which can comprehend and act upon the lessons which God has given it in the past events of its history, is secure in the most imminent crises of its fate."

The past events of our history have taught me that the intervention of this country in European wars is not only unnecessary, but calamitous; that we have rarely come out of such intervention having succeeded in the objects we fought for: that a debt of 800,000,000*l.* sterling has been incurred by the policy which the noble Lord approves, apparently for no other reason than that it dates from the time of William III.; and that, not debt alone has been incurred, but that we have left Europe at least as much in chains as before a single effort was made by us to rescue her from tyranny. I believe if this country, seventy years ago, had adopted the principle of non-intervention in every case where her interests were not directly and obviously assailed, she would have been saved from much of the pauperism and brutal crimes by which our Government and people have alike been disgraced. This country might have been a garden, every dwelling might have been of marble, and every person who treads its soil might have been sufficiently educated. We should indeed have had less of military glory. We might have had neither Trafalgar nor Waterloo; but we should have set a high example of a Christian nation, free in its institutions, courteous and just in its conduct towards all foreign States, and resting its policy on the unchangeable foundation of Christian morality.

MR. J. BALL said, perhaps it would not be improper that a few observations should be made by the representative of a country none of whose Members had yet taken part in these debates. He agreed with the hon. Member for Manchester (Mr. Bright) that none of the reasons for war to which he had referred were just or satisfactory to the House. He agreed with him that the maintenance of the balance of power was not a sufficient justification for war; but yet he was prepared to support the war. He agreed with the hon. Member that the maintenance of the integrity and independence of Turkey was not a sufficient justification for war, but yet he was prepared to support the war. He agreed with him that the support of the commerce and trade of England was not a sufficient justification for war, but yet he was prepared to support the war. He believed that the real justification was larger, vaster, higher, and nobler than any of these—it was the maintenance in civilised society of the principles of right and justice. That, he thought, was the real ground on which the war was to be justified. What was it among individuals that cemented them into cities and States but the maintenance of law? and if the day should come, as the hon. Member for Manchester thought, when war would be impossible, and peace be a necessity, he believed that could only happen in one way—not from any idea of self-interest as a nation, but from a recognition of the principles of justice in relation to nations as well as to individuals. The hon. Member for Manchester had quoted, and had seemed to approve, the idea that nations must and would trick throughout all treaties and engagements whenever it suited their convenience so to do. Against that doctrine he protested. He believed there was in the minds of men, and in the heart of nations, something higher than self-interest —conscience—and that conscience might supply motives more powerful, as well as more worthy, than mere considerations of self. The hon. Member for Manchester had spoken of Turkey's declaring war; but he had said nothing of the unjustifiable invasion of the territory of the Sultan which led to that declaration; no doubt if there were not that unprovoked invasion our conduct would be most erroneous. The hon. Member had asked, why not force Turkey to adopt the Menchikoff note? Because to have done so would have been as great an invasion of her rights as the occupation of the Principalities. The people of this country would approve the war if it was clearly stated that the cause of resistance to Russia was the cause of resistance to wrong, and if there was no attempt made by our Government unduly to interfere with that of Turkey. He would beg to conclude by expressing his dissent from the view taken by the hon. Member, that the correspondence published argued a want of unanimity in the Cabinet.

THE MARQUESS OF GRANBY said, it had been a matter of deep regret to him to hear the tone and language which had been used that night by hon. Members on the other side of the House, in speaking of the conduct of the Emperor of Russia in the recent transactions in the East. That aggression might be real and might be most dangerous to the interests of this country, but he thought it would be more becoming this great and powerful nation to enter into the discussion of the question in the spirit of the hon. Member for Manchester (Mr. Bright), than in the language which he had heard used in the House that night. He had observed that tone with regret, for it was a tone and manner which the Emperor of Russia had not stooped to employ. The Emperor of Russia had given the Government of this country full credit for their efforts to maintain the peace of Europe—a credit which they had utterly denied to him. No matter what the Emperor of Russia might say or do, or what Her Majesty's Government might say or do, in his opinion there was still the same danger. Let them examine coolly into the case which had been set forth by the hon. Member for Manchester. He (the Marquess of Granby) knew that many hon. Gentlemen believed, that no matter what the Emperor of Russia might say or do, there was always some underhand dealing in his conduct; and if they entered on a discussion of these blue books and secret correspondence, actuated by such views, it was hardly possible that the House could arrive at a true or impartial conclusion. He would ask the House to remember, as it was stated by the hon. Member for Manchester, that France was in this case the first aggressor, though she had certainly made the *amende honorable.* Then it was said that the Emperor of Russia had acted fraudulently to this country, though he thought that when the House came to consider the whole question, the hon. Member who had made use of such an expression would see cause to regret it. Were not the demands which Prince Menchikoff had made in direct consequence of the demands which the French Government had put forward? Prince Menchikoff had stated in the first instance that the only two objects which the Imperial Government had in view were to obtain recompenses to the Greek Church for injuries done them through the concessions granted to the Latins, and to have some guarantee that such a state of things should not occur again. Prince Menchikoff had never required territorial aggrandisements; on the contrary, he only required that the subjection in which Turkey was held should be put a stop to. Prince Menchikoff's note, however, was rejected. Then came the Vienna note, which was drawn up by the French Government, and adopted by the Ambassadors of the four Powers—adopted after anxious and mature deliberation. The Emperor of Russia accepted that note. To that note of the four Powers the Emperor of Russia expressed his willingness to accede; and yet Her Majesty's Government stigmatised him as the disturber of the peace of Europe. Now, as far as he (the Marquess of Granby) understood the question, all that Russia asked was a kind of protectorate over the members of the Greek Church. Was there anything in that demand of which the British Government had reason to be afraid? Was there anything in that which would lead them to say the Emperor only wanted Constantinople? That was the secret of the whole case. The noble Lord the Member for London (Lord J. Russell) had expressed himself to that effect, when he wrote to Sir Hamilton Seymour on the 9th of February, 1853, saying that the more impartially Turkey was ruled, the less opportunity would it afford for the interference of the Court of Russia. What was it that the Emperor of Russia had done in all this which justified the abuse which had been levelled at him in the course of the present debate? While on the subject, he might say that he entirely agreed with his right hon. Friend below him (Mr. Disraeli), that if Her Majesty's Government had been more of one mind, or if Lord Aberdeen had had more command over the Cabinet, they would not now have been going to war with Russia. He also agreed with his right hon. Friend, that if the noble Lord the Member for Tiverton (Lord Palmerston) had been at the head of the Government, there would have been no war; and he (the Marquess of Granby) believed that if the press of this country had possessed the power which was so often spoken of, there would likewise have been no war; though, above all, if the civil war which had been raging in the Cabinet had been put an end to, there would have been no war also. Reviewing all the circumstances of the case, he felt that the war into which the country was now plunged was mainly due to the vacillation and indecision exhibited by the Members composing Her Majesty's Government.

LORD DUDLEY STUART said, he should be sorry that anything should fall from him calculated to disturb the unanimity in which, in his opinion, it became them to reply to Her Majesty's Most Gracious Message. At the same time he wished that they could have had from Her Majesty's Ministers some declaration of the views and objects they proposed to themselves in entering on this war. They knew that one of the objects was the maintenance of the integrity and independence of the Turkish empire, but they required to be informed, now that Russia had wantonly forced on a war, whether increased taxation, the loss of trade and commerce, and probably a great loss of life, were to be submitted to without our experiencing a return equivalent to the sacrifices we made. They ought to be distinctly informed whether it was intended by means of this war to place Europe in a position to afford security for the future preservation of the peace. He was afraid, unless the war was undertaken with greater vigour than appeared to characterise the negotiations which preceded it, that this country and the whole of Europe would be forced into a state which he could only describe as that of chronic war. It had been stated in the progress of the debate by an hon. Friend near him (Mr. Layard) that one portion of the Government was imbued with an anxiety—with a monomania for peace, while another part of it was sensible of the necessity of carrying on the war with vigour. That, perhaps, might account for the fact; but whatever was the reason of it, he must say that hitherto they had not seen that vigour in council which was necessary to carry every enterprise, whether of peace or of war, to a satisfactory and salutary conclusion. But he must impress upon the House the necessity, even the duty, of Ministers giving some information with regard to the proceedings of our fleet in the Black Sea. He hoped they would not shirk that question, and that they would tell the country what it had been doing, and what it was now doing. With every desire to give credit to the gallant Admirals, both of England and France, with one of whom he had the honour to be personally acquainted, and towards whom he entertained a feeling of friendship and respect, he must be permitted to say that affairs there wore a very ugly aspect. It had been said that the fleets were ordered to go into the Black Sea, and sweep the Russians out of it as early as the 8th of October; certainly, however, they were ordered to go there in January, and with most distinct injunctions not to allow any Russian ship they met with to hold the sea, but to call upon it to return to harbour, and, in case of resistance, to capture it, and bring it back to the Bosphorus. But how was it possible that such orders could be executed if the ships remained at Beicos Bay, where they had laid snugly at anchor ever since? Under these circumstances it was no wonder they did not fall in with the Russian fleet. Yet it was now stated that that fleet had come out from Sebastopol, had proceeded to the coast of Circassia, and had transported from thence a number of troops back to Russia, troops which might have been captured in security; and would it not be thought that on the first news of such an event reaching the Admirals that they would have been eager to make prizes of this audacious Russian fleet, which had thus come forth to beard the navies of England and France? No such thing—they only sent out two steamers to see what had happened! Now, such a course did not appear to him to prelude any great results. On the other hand, he was confident in the assertion that, if this war were properly carried on, it would be the most beneficial war that the country had ever undertaken. He believed that now we were at war, a great deal too much was said of peace. Peace was, no doubt, a thing to be desired by every humane and Christian person; the object, however, could alone be to obtain a peace of lasting duration, for the country would not be satisfied with a peace upon any other terms, and if Her Majesty's Ministers accepted any other, they would be unfit to direct the councils of a great nation like England. The hon. Gentleman the Member for Manchester was one of those who thought that peace was to be desired before all other things — at all hazards and every cost. Why, no one could be for war in itself;

this was only a state of transition. He looked upon war as upon a surgical operation, which was painful, dreadful, and only to be resorted to in cases of extreme necessity. And he did think that war would have the effect of placing Europe in a better condition than it was or had been in for a great number of years. Russia had now afforded the opportunity of placing it in such a position; and it was our part, our duty, to seize that opportunity, and if they did not, posterity would not pardon them. In days now passed a great crime had been perpetrated in allowing the partition of Poland. At that moment they were expiating the pusillanimity which their forefathers had been guilty of. But let them take warning, and not suffer the present crisis to pass without taking such measures as shall for ever put a curb in the mouth of the haughty Muscovite. He had heard with very great satisfaction the speech made by the noble Lord (Lord J. Russell); but more particularly was he satisfied with his declaration that no convention had been entered into with regard to the internal affairs of Turkey. It was not that he disregarded the condition of the Christian inhabitants of that country, far from it. But if they once interfered by treaty, and made stipulations as to the internal affairs of any other country, they not only sinned against that great principle of non-intervention which had been proclaimed, and for many years acted on in this country, but they perpetrated the very wrong which they were taking up arms to prevent, and while they were sending fleets and armies to contend against Russia for interfering with the independence of Turkey, they would be committing acts inconsistent with that independence. It was not his intention to say one word to prevent the unanimity with which the Address was about to be accepted; but he hoped an answer would be given to the question he had put about the fleet. And he must say he did think the House of Commons and the country ought to have an assurance that the war would not be concluded without in some way or other clipping the claws of Russia, so that she might be rendered unable for the future to inflict upon this country and upon Europe the evils which at that moment they were suffering at her hands.

VISCOUNT PALMERSTON: Sir, I might, indeed, have wished, upon an occasion of such importance as the present, when Her Majesty has applied to Her Parliament for support in a great contest, the magnitude and the importance of which it is impossible to deny, that questions arising out of detail, matters connected with the conduct of negotiations, might have been postponed to another and a more appropriate occasion, and that the House might have looked simply at the appeal which the Sovereign has made to it, and have responded unanimously, as I am sure it will; but not only unanimously, but without mixing up in its assurances of loyalty and devotion to the Crown any topics of a minor and subordinate character. At the same time, I know full well it is a privilege of this House, when questions are brought under its consideration by the Government, to discuss freely and minutely any topics which they may think properly connected with the subject under debate. I shall, however, be excused, I trust, if, not following the example of some of those who have gone before me, I do not pursue the steps of my hon. Friend the Member for Aylesbury (Mr. Layard) in all the detailed examinations on which he has thought it right to enter, of the conduct of the Government in the course of the long negotiations which have ended in the unhappy rupture now announced. There is, however, one topic to which my hon. Friend has alluded, and which I cannot allow to be passed over in silence. My hon. Friend has quoted divers passages from the *Times* newspaper. Taking it as the unquestionable organ of the British Government, and contrasting the opinions expressed in certain leading articles in the *Times*, he has opposed to those opinions the deliberate course, and the general principles, which Her Majesty's Government have followed and adopted. Now, Sir, I do not presume to inquire from what sources the newspapers of this country may take their inspirations, but if any inference is to be drawn from the identity of opinion expressed in those articles, and the opinions expressed by the Government of Russia, I should be disposed to draw a very different inference from that which the hon. Member has felt disposed to draw. And, if I were to search out the origin of the inspiration which dictated those articles, it is not to the English Government certainly that I should go, but I should be disposed rather to go to that of Russia.

Sir, I say that the question which to-night is submitted to the House is, whether Her Majesty shall receive that support of Parliament in the contest in which this country is about to be involved. Now, it is known, I think, to those who have given their attention to the affairs of Europe for a considerable time that the views of Russia upon Turkey are not of yesterday or even of this century. It is well known that for a great length of time it has been the standing and established policy of Russia to endeavour to obtain possession of at least the European part of Turkey, and subsequently of the Asiatic part. That policy has been pursued with undeviating and systematic efforts. It has been ever kept in view, and when opportunities have offered steps in advance have been made. When checks have been experienced those steps have been withdrawn, but only for the purpose of taking advantage of the next opportunity which offers. Delay has been no element in mitigating or inducing Russia to abandon its schemes. Its policy has been to keep one object in view—not to hide or to lose that object—but, perpetually grasping at its possession, to watch the course of the other Governments of Europe, and to take advantage of every opportunity that might present itself, by which it might get even the slightest advance towards the ultimate objects of its ambition. Nor, Sir, do I blame the Russian Government for entertaining such a policy. A policy of aggrandisement, pursued by legitimate means, is a policy which you may condemn as dangerous to yourselves, and oppose as destructive to the liberties and independence of other States, but it is without reproach to the Government that pursues it, provided it is pursued by open, undisguised, and avowed means, without concealment, without subterfuge, and without fraud. The course, I am sorry to say, which the Russian Government has pursued, at least in these recent transactions, has not been that open and straightforward course which would justify it in avowing and in boldly declaring its policy. But was it from ignorance that that policy was pursued? Did the Russian Government entertain any doubt whether aggrandisement in the direction of Turkey would or would not peril its relations with other countries? Why, Sir, no such inferences were ever excited. I had frequent occasions, when I held the seals of the Foreign Office, to communicate with an eminent Russian diplomatist upon the relations between the two countries, and his language to me was always this: he said:—"Russia and England entertain different views of constitutional principles. You think constitutional government the best, we think arbitrary government preferable; you endeavour to propagate your notions, we naturally endeavour to support our own; but we have great European interests in common, and so long as we do not come into contact upon the affairs of Turkey—so long as England and Russia have no differences upon those important affairs—so long, I tell my Government, there is nothing in our opposite principles of government which will prevent England and Russia from acting amicably together in matters on which they have great and common interests." Then, what was it that made the Russian Government think that the recent occasion seized upon by it was favourable to the advancement of these long-cherished designs and wishes? Why, no doubt, Russia speculated upon differences — irreconcilable, as it thought — between England and France. It never imagined that there could be a cordial union between these two Powers. It speculated, too, upon the differences between England and Austria. It thought that the differences of opinion which had prevailed between the two Governments, and, to a certain degree, between the two nations, would prevent cordial action between them; and thinking, therefore, that there was disunion, and an impossibility of combination, among the great Powers of Europe, Russia thought that was a favourable moment for making another great step in the progress of aggrandisement towards Turkey. And that step was made with all the ability, with all the sagacity, which has ever characterised the policy of that able and ambitious Government. It sought no acquisition of territory, no rearrangement of the map of Europe—it sought that which was more useful to its views than the acquisition of any portion of the Turkish empire — it sought but the concession from the Sultan to the Emperor of the real sovereignty over the whole Christian population of Turkey. The hon. Member for Manchester (Mr. Bright) said he could not see what harm would have arisen from the Sultan accepting either the Menchikoff note or the Vienna note. Why, Sir, it is impossible for any man not to see that if, by a concession from the Sultan, the Emperor of Russia had been made the arbiter of all the concerns, religious, civil, and political, of the whole Christian population of the Turkish empire, the sovereignty of the Sultan would have been held simply at the will and discretion of the Emperor. And that is his object, and this is the greatest move that has for a length of time been made towards the extinction and partition of the Turkish empire. Sir, the Russian Government pursued that course with a secrecy and a concealment which showed the certainty of its convictions that that which it demanded was a thing which could not and ought not to be granted. The Turkish Government, acting with a just sense of that which was due to its own interests, consulted its allies. In the last memorandum of the secret correspondence, what is the language which the Russian Government uses in regard to its policy towards Turkey, and with regard to the manner in which the European Governments should also behave towards Turkey? Why, throughout, the Emperor of Russia professes an anxious desire to maintain Turkey as it is; apprehensions are expressed that that will not long be possible; but, he says, the mode of preventing it will be by the Powers of Europe abstaining from pressing imperious demands on Turkey, supported by menace. And that opinion is recorded at the very moment when Prince Menchikoff was doing at Constantinople the very thing which the Russian Government said the Governments of Europe ought to abstain from doing, if they wished to maintain the independence and integrity of Turkey. I say, then, Sir, it is impossible for any man who has eyes in his head, or is capable of drawing a conclusion, to doubt there is a settled intention on the part of Russia to overrun and overthrow the Turkish empire for the purpose of establishing in the territory of Turkey the ascendancy and domination of Russia.

It may be said, "What of that?" "Is it possible," it is asked, "for us to maintain things as they are?" "The Turkish empire," the hon. Member for Manchester says, "is in a state of rapid and progressive decay," and that I am the only man in the world who is blind to that fact. I think the contrary is the truth. Why, I will appeal to the events of the last eight months in proof of the truth and the correctness of my opinion. Compare the resistance which Turkey has made within the last eight months to the arms of Russia with the military events of former years, and let any man say whether Turkey has not shown proofs of vitality and energy which few people imagined it could display under circumstances so embarrassing as those in which the country has been placed. And, Sir, among the reasons which, I have no doubt in my own mind—and, indeed, it is avowed in the correspondence—urged Russia to strike the blow at the present time was this, that the Russian Government was aware of the progressive improvement in Turkey tending yearly to strengthen the Turkish Government, and aware also that by this improvement, and by the progress in welfare and comfort of the whole of the Christian and Greek population, they were gradually withdrawing their eyes from Russia for support, and looking for their well-being and improvement to other sources than the Emperor of Russia. The Russian Government saw that the Christian population was slipping out of its hands, and that the Turkish Government was gradually getting too strong to be easily overthrown; and, therefore, it was thought no longer convenient to delay striking the blow.

But then some hon. Gentlemen say, "You are supporting Mahomedanism against Christianity." Why, Sir, that has nothing to do with the great question in which Europe is now about to engage. In the first place, I contend—as, indeed, the hon. Member for Aylesbury (Mr. Layard) stated upon a former occasion—that, however much you may wish that those vast and fertile regions, the most favoured portions, almost, of the earth, should be ruled by a Christian Government and cultivated by a Christian population, the truth is, in the present state of those countries, the Mahomedan race is the only one that can keep the country together as an empire, and govern it as such. The Christian population, as every one who understands the subject is well aware, is divided into so many religious sects, into so many national divisions, into such minute fragments, that there is no one of them sufficiently powerful to rule over the whole, and no one of them that would probably submit with tranquillity to the domination of any other. The Turkish Government, therefore, affords the only method by which these great countries could be kept in a state of independence. But the real question is, not what you would wish to see established in the Turkish empire, but that which you are determined shall not be established—it is not what might be, but what for the interests of all Europe ought not to be. And that which ought not to be, and that which I trust Europe will take care shall not be, is the transfer of those countries to the sceptre of the Emperor of Russia. That is the object which, I trust, the Powers of Europe—I speak in the plural, because I trust the plural, and not the dual, will be the proper expression with regard to those Powers—have determined shall never take place.

The hon. Member for Manchester (Mr. Bright) asks, "What is our interest in this war?" and he also asked me to explain the meaning of the expression "the balance of power." Now, the hon. Member for Manchester and I differ so much upon almost every question involving great principles that I am afraid I shall be unable to gratify him by complying with his request to explain the meaning of the expression "the balance of power." I think, however, that a man of his unquestioned ability, of his extensive knowledge, who has arrived at the age which he has attained, and who has not by his intuitive perception acquired a knowledge of the meaning of the words "balance of power," is not likely to be greatly enlightened by any humble effort of mine. Why, Sir, call it what you like—"balance of power," or any other expression—it is one which has been familiar to the minds of all mankind from the earliest ages in all parts of the globe. "Balance of power" means only this—that a number of weaker States may unite to prevent a stronger one from acquiring a power which should be dangerous to them, and which should overthrow their independence, their liberty, and their freedom of action. It is the doctrine of self-preservation. It is the doctrine of self-defence, with the simple qualification that it is combined with sagacity and with forethought, and an endeavour to prevent imminent danger before it comes thundering at your doors. Now, Sir, I know that the hon. Member for Manchester is so attached to his principles—very properly and very sincerely so—that he thinks that peace is, of all things, the best, and that war is, of all things, the worst. Now, Sir, I happen to be of opinion that there are things for which peace may be advantageously sacrificed, and that there are calamities which a nation may endure which are far worse than war. This has been the opinion of men in all ages whose conduct has been admired by their contemporaries, and has obtained for them the approbation of posterity. The hon. Member, however, reduces everything to the question of pounds, shillings, and pence, and I verily believe that if this country were threatened with an immediate invasion likely to end in its conquest, the hon. Member would sit down, take a piece of paper, and would put on one side of the account the contributions which his Government would require from him for the defence of the liberty and independence of the country, and he would put on the other the probable contributions which the general of the invading army might levy upon Manchester, and if he found that, on balancing the account, it would be cheaper to be conquered than to be laid under contribution for defence, he would give his vote against going to war for the liberties and independence of the country, rather than bear his share in the expenditure which it would entail. The hon. Member has a perfect right to entertain these opinions, and to avow them in this way; but I do not think that that is the general feeling of the country, and, therefore, I look with as much confidence for the vote of the House, and for the support of the country, in carrying out the policy which, by necessity, the Government have been compelled to adopt, as if the very eloquent—eloquent it certainly was—but somewhat hypothetical argument of the hon. Member had not been urged, to induce the House to take a different view of the matter. The real question which we have to consider is, not whether the Mussulman is better or worse than a Christian—whether it is desirable to hasten, more or less, those internal reforms which must sooner or later take place in the Turkish empire—not that we have proposed to Turkey a convention containing exactly the same declaration which we have urged Turkey to resist in the face of Russia—for nothing of the sort has been done—but I say the question is not, whether sooner or later, those reforms and that equality of religion and races shall take place in Turkey, which sooner or later must inevitably take place. The question we have to consider is this, whether Turkey is to lie prostrate at the feet of one great overwhelming Power—whether one Power is to bestride the globe from the north to the south, from the Baltic to the Mediterranean, to dictate to Germany, to domineer in the Mediterranean, to have the whole of the rest of Europe at its mercy to deal with as it pleases—or whether that Power shall be taught that there are limits even to the ambition of a Czar—that there are limits even to the conquest of a military empire, of which one may say that the whole territory is one great camp, and the population one recruiting depôt—and that in spite of the power which a Sovereign may be able to sway—in spite of the military resources which he is able to command—that there does exist in the Powers of Europe a respect for the principles of national independence—that there does exist in the Powers of Europe a determination to resist the overwhelming encroachments of any Power, be that Power what it may—and that we are able, as we are willing, since resort to arms has become necessary, to maintain in arms, by sea and by land, the liberties of Europe and the independence of nations.

MR. DISRAELI: Sir, having had, on a previous occasion, the opportunity of making some remarks upon the papers on the table, I should not have presumed now to address you, but for two reasons; and the principal one is, that this being a Motion for an Address to the Crown in answer to Her Majesty's Most Gracious Message, I thought it hardly consistent with my duty to the Gentlemen with whom I have the honour of sitting, if I allowed it to pass entirely unnoticed on their part. I rise, Sir, to support the Address which the noble Lord has moved. I rise to support it in the same spirit in which I endeavoured to express my opinions upon the first night that we met. Sir, the power of declaring war is the prerogative of the Crown. I look upon that prerogative as a real prerogative; and if Her Majesty sends a Message to Parliament, and informs us that She has found it necessary to engage in war, I hold that is not an occasion when we are to enter into the policy or impolicy of the advice by which Her Majesty has been guided. It is our duty, under such circumstances, to rally round the Throne, and to take subsequent and constitutional occasions to question the policy of Her Majesty's Ministers if it be not a proper one. Sir, I know that the expression of these opinions has subjected myself and others who sit on this side of the House to imputations which I think unjust; and, to my great surprise, those imputations have come from the Treasury bench. We have been told that it was not open to us to support Her Majesty under the circumstances to which we refer, and at the same time to reserve to ourselves the right of questioning the policy which has recommended Her Majesty to have recourse to such an extreme measure as war. But I must, on this occasion, however, as I have done on previous occasions, vindicate the right of the Opposition not only to support the Government under the circumstances in which we feel it our duty to support the present Government, but at the same time to question the prudence of the counsels which has rendered it necessary that all parties in the nation should surround the Crown with their unanimous support. Sir, this question has before been argued in this House. I have met with a passage only this evening, which I will quote, because it not only is brief, but is part of a speech made by one who was a great favourite of the House, and whose words can never be quoted here without some effect. Mr. Canning was once taunted in the same spirit in which hon. Gentlemen on this side of the House have been taunted, because they support a Government carrying on a war, of which Government they, at the same time, disapprove. How did Mr. Canning meet this taunt? In answer to Mr. Sheridan, he said:—

> "Mr. Sheridan has stated it as a matter of grave imputation against those who, like myself, are ready to vote for every measure of defence and preparation that the Minister may think proper to propose, that while we concur in such measures, we do not withhold expressions of distrust and disapprobation of the general conduct and system of the policy of those who propose them. It is urged as if there were something uncandid in not giving confidence to a Government at the moment the subject of debate is one on which you agree. Now, Sir, I am, on the contrary, of opinion that it would be much more uncandid and unfair to conceal our general sentiments at the moment of our expressing our approbation."

And he adds,—

> "We are not ready, whatever we may think of the counsels by which we have been brought into our present danger—whatever we may think of the chance of being extricated from it by the same counsels; we are, therefore, not ready to obstruct those counsels in anything confessedly directed to that end—we are, therefore, not ready to deliver our common country defenceless into the possession of the enemy."

I think, Sir, that a complete vindication, and the best authority for the course that we have thought proper to adopt; and on this, and on all similar occasions, we shall feel it our duty to support Her Majesty in vindicating the honour of the country, and in defending the best interests of the empire.

Sir, there is another reason why I have ventured this night to rise. Since I expressed my opinion upon the documents—the weighty documents—which detail the conduct of the Government in the negotiations, and which were placed on the table at the meeting of Parliament, other documents have been added for our consideration, and, remembering the opinions which I have expressed, I cannot allow these documents to pass without some brief notice on my part. Those documents have been referred to in the course of the debate. They have been referred to by the hon. Member for Aylesbury (Mr. Layard), in a speech of eminent ability, which I thought might have attracted more attention and a completer answer than it has yet received from Her Majesty's Ministers; and no doubt there is in these documents, and in the observations of the hon. Member for Aylesbury, much which I think cannot ultimately be passed by unnoticed by Her Majesty's Government. Sir, the hon. Gentleman who addressed the House after the noble Lord, referred, without circumlocution, to the fact that there was a discordance of opinion in the present Cabinet on the important policy which now occupies our consideration, and which has led to such vast results. I am the last person, I am sure, who would in this House fancifully assume any variance of opinion in a Cabinet. I think there is no weapon of opposition more illegitimate—I would say more unconstitutional, or, if I might use the language of the Emperor of Russia, more ungentlemanlike. I remember, some few years ago, when the present First Minister of the Crown, with the "aid," as we were informed by the present Leader of the House of Commons, "of some foreign conspirators"—and I am sure the noble Lord is a gentleman who would never make such a statement without due authority—I say that I remember, a few years ago, when the First Minister of the Crown, by the aid of foreign conspirators, prevailed upon the First Lord of the Admiralty, sitting opposite me, to impeach, as it were, a Secretary of State, who is also sitting opposite to me —I remember that I had occasion, both publicly and privately, to protest against a course of Parliamentary persecution which I thought so unjustified and unprecedented. It was my opinion, that as not the slightest evidence existed which could in any way make a difference, so far as the opinion of the Cabinet was concerned, between the noble Lord and his Colleagues, that nothing could be more unjust, nothing more unfair and unparliamentary, than to bring an attack against the noble Lord then Secretary of State for Foreign Affairs as distinct and isolated from his Colleagues. No circumstances had ever transpired which for a moment justified the belief that the foreign policy of the Cabinet of the noble Lord the Member for the City of London was not supported by the whole of his Colleagues; and in this House, although I highly disapproved of that foreign policy, and especially of the insurrectionary mission into Italy, I took the opportunity, when I presumed to address the House, of stating in the most distinct manner, so far as I was concerned, that my disapprobation was a disapprobation of the policy of the Cabinet, and not of the policy of the individual.

Sir, I say that on that occasion not a circumstance had transpired which could authorise the belief that the Members of the Cabinet of the noble Lord the Member for the City of London had any difference of opinion upon foreign affairs, nor have I any reason to believe that they had. But is that the case at the present moment? The hon. Member for Aylesbury has called your attention to the strange contradiction in expression, in sentiment, and in conduct, that prevails upon this subject in the present Administration. On a previous occasion I have myself also alluded to it. Sir, we have Members of this present Cabinet who tell us that the integrity and independence of Turkey are facts, and facts of the utmost importance. We have Members of the present Cabinet who tell us that the integrity and independence of Turkey are not facts, but are phantoms and phrases. We have a Secretary of State in the other House of Parliament, and a Secretary in a most important department, so far as foreign policy is concerned, telling us that it is the interest and intention of England to secure for the Christian subjects of the Porte equal privileges with the Mussulman subjects of the Porte; and we have the noble Lord (Lord Palmerston) to-night informing the House most positively, that the present Administration have no intention whatever of insisting upon such a policy. We have the war in this House called a blessing, and in another place we have it denounced as a curse; and, above all, about to embark in a war to uphold the independence of the Porte, we have the Foreign Minister of England, in a despatch which is read in the Senate of his country, announcing that, although we may succeed in crippling Russia in the coming struggle, the irretrievable destruction of Turkey is the most probable of events. I say then, Sir, that it is a fact that there is a difference of opinion in the present Cabinet—that there has been a difference of opinion in the present Cabinet on the policy which we ought to pursue between Russia and Turkey. Nor is it wonderful that that difference of opinion should exist. There have always been two theories upon that important subject which, in common phrase, is called "the Eastern question." Two theories have always existed, and each has been maintained by statesmen of eminence. There are statesmen who are of opinion that there is vitality in Turkey—that, far from being exhausted, it is a country full of resources, and of resources hitherto only imperfectly developed. There are statesmen, and the noble Lord opposite (Visct. Palmerston) is one of them, who believe that Turkey is a country not only qualified for independence, but absolutely capable of progress. Statesmen of this school, upholding these opinions, have been of opinion that, with wisdom and with firmness, Turkey might form a substantial and a real barrier against Russia. Then there is the other school, which believes that there is no vitality in Turkey—that it is decaying and decrepit—that its resources, always imperfectly developed, perhaps, are now virtually exhausted, and that it is totally impossible that it can long exist as an independent or *quasi*-independent community; and these statesmen, not wishing to hand over this rich prey to its powerful neighbour, have been of opinion that by encouraging the Christian subjects of the Sultan, and by advancing the civilisation and increasing the right of those classes, you might in time prepare a population for Turkey which would prevent that intermediate state of anarchy which otherwise would happen between the fall of a great empire and the rise of a new Power.

These, Sir, are opinions that may be entertained, and conscientiously entertained, by men of great abilities, however various the conclusions at which they arrive, and however opposite the results which they ultimately adopt. But it is a notorious fact that the present First Minister of the country has never concealed that he was a disciple, or rather a professor and votary, of the second class of opinions. He never has believed in the vitality of Turkey—he has never professed to believe in the vitality of Turkey—he has never professed that he believed it could be an independent State, and of course he could not believe it was a progressive one. He has been called upon in the course of his career to act on different occasions, when this great "Eastern question" has been placed before him for its solution or its management. The hon. Member for Aylesbury has referred to several of those occasions. The year 1829 will not be easily forgotten. We have it upon record, that Lord Aberdeen, then Secretary for Foreign Affairs under the Duke of Wellington, agreed with the Russian Government that the Turkish ports in the Mediterranean should be blockaded, and if that blockade had been established Turkey could not perhaps have held out its first campaign—certainly could not have maintained itself during a second. I mention this because it is convenient at the present time, when the Duke of Wellington is no longer with us, to tell the world that the Duke of Wellington was Prime Minister and responsible for all that then occurred. But it is a well-known fact, and upon record, that the Duke of Wellington repudiated the agreement of Lord Aberdeen, as the Secretary of State who assented to the blockade, and it was owing to the Duke of Wellington that it was abrogated. We have it upon record—I heard it myself from the most illustrious of modern statesmen, and I do not doubt that there are some Gentlemen in the House who have heard it also—that Prince Metternich never would have encouraged Turkey to make a second campaign in 1829, had he not had a moral conviction that the British fleet would have entered the Black Sea; and we know that Lord Aberdeen prevented it. I do not say that he did not act from what he considered to be a sense of duty—that he thought, on the whole, it was much better that he should temporise and patch up the existence of a State which he believed to be in a condition, not only of rapid decay, but of impending dissolution—but if Lord Aberdeen on that occasion committed a great mistake, it should be remembered that he is the statesman who is called, at the present moment, to preside over the destinies of this country, at a time of a still more trying and stirring exigency, when the same materials are in action and the same questions are at issue.

Sir, I must now call the attention of the House to that mysterious document, the memorandum of 1844—a document which hardly anybody has referred to—to which the Member for Aylesbury has only slightly alluded, which has received but little attention from the press, and which certainly, from the way in which it has been placed before the House, without note or comment, I should not be much surprised if those who have been little accustomed to papers of this description were to pass by as a document little worth notice. But I hope to show to the House that this is one of the most important public documents which has ever been submitted to Parliament. I venture to say that nothing but the unprecedented circumstances which have occurred —circumstances unforeseen and unexpected, which must have confounded any Cabinet when they became known—could ever have brought that document under the consideration of the House of Commons. It is called the Memorandum of Count Nesselrode of June, 1844; but it is a document which, from the whole tenor of its expressions, from one end of it to the other, must be called and treated as an agreement, for it says, " to secure these objects of common interest, the Emperor agreed with Her Britannic Majesty's Ministers," and it goes on further to say that " this notion was, in principle, agreed on during the Emperor's last residence in England." In fact, this document, which is not very long, is drawn up and composed in a form which assumes that there is an agreement, and its object is to embody the spirit of that agreement which had been entered into between the then Government of England and the Emperor of Russia personally, during the visit of the Emperor to this country. Now, then, what are the points upon which the agreement takes place? The first point is nothing more nor less than a proposition for the partition of Turkey, made by the Emperor of Russia to the English Government. That is the first point in the document. The English Government is not asked to enter upon that partition to-day or to-morrow; but the very fact that such a suggestion was made, and that the subject was dwelt upon, shows that the time was not considered far distant. The first point, then, of the agreement is that there shall be a partition, when it becomes necessary, of the Turkish empire. And how is that partition to be effected? It is to be effected by the agency of Great Britain, and Russia, and Austria alone, with the studied omission of France—with the express, the intentionally express, omission of France. And the noble Lord who has just addressed us, speaking on a subject of which he is a master like a master, giving to the House all the reasons for the lamentable condition of affairs at present, tells the House he had no doubt that the catastrophe was precipitated, because when the present Government came into office, the Emperor of Russia had an idea that there was no good feeling between England and France. Why, Sir, there was no good feeling between Great Britain and France when the Minister of England, in the year 1844, agreed to the ultimate partition of the Turkish empire by England and Russia and Austria alone without French interference or intervention. Observe now that you have in this document the prospective partition of Turkey, you have the marked exclusion of France, and you have something else which is exceedingly connected with the subject of our discussion to-night. What does the Emperor say, and what does Lord Aberdeen agree with the Emperor in 1844? Although they were not then ready for the partition of Turkey, the Emperor says that the Turkish Government have a very awkward habit of freeing themselves, or endeavouring to free themselves, from engagements to which they are bound by treaty; and that, if they do that, and the parties with whom they are under treaty endeavour to enforce a fulfilment of their engagement, it is apt to create a jealousy among the other Powers. When a case of that kind occurs, and the Porte fails in its obligations towards one of the great Powers, it is suggested, and apparently agreed, that no other great Power shall interfere to countenance or support her.

But is there nothing else? Yes; the Emperor of Russia says that it is of great importance to vindicate the rights of the Christian subjects of the Porte; and the Emperor quits England in the belief that he has made this agreement—that he has made an agreement with the present Prime Minister of England, who was then Secretary of State: first, that when the time shall arrive there shall be a partition of Turkey, and that that partition shall be effected by Russia, Austria, and England alone, without the interference of France: secondly, that, in the meantime, he is to interfere in the government of Turkey upon pretence of treaties and treaty rights, which no other great Power is to question; and upon the pretence also of vindicating the rights of the Christian subjects of the Porte. But then, Sir, we are told that this was not an agreement—that it was only a memorandum of Count Nesselrode, found in our Foreign Office, and never heard of until it had been noticed in the *St. Petersburg Gazette.* What evidence of concord, it may be asked, is there?

There is no signature of Lord Aberdeen. It is not a convention—it is not a protocol—it is only an understanding between two gentlemen, and two gentlemen who were old friends. But let me ask this of any one who has the courage to say that this was not an agreement between those two gentlemen—What was the answer which was sent to this document when it was forwarded from St. Petersburg? The English Minister is waited upon by the Russian Ambassador here, who gives him, with great form and ceremony, to hold as a sacred deposit, what affects to be the substance of an agreement entered into between the Emperor of Russia and the Ministers of Her Britannic Majesty. We have been told the result. The Minister received the document—locked it up in the Foreign Office—handed it over to his successor—invested it, in fact, with every accident and circumstance which could impart to it the character of a great State secret, but did not consider himself bound by it. Did he consider himself bound to give any answer to Count Nesselrode? Did he say, "I have received this which affects to be an agreement between the Emperor of Russia and the Government of Great Britain, but the notion of such an agreement is a complete dream—no such conferences ever took place; no such agreement was ever entered into; there ought to be no mistake on so grave and important a subject as the partition of an empire; and, in order to prevent misconception, I too send a memorandum." If he did that, where is the memorandum? Where is the answer to Count Nesselrode? I am bound to believe, in the absence of that document, that no answer was ever sent; I am bound to believe, therefore, that this document was received by Lord Aberdeen in the same spirit in which it was drawn up, and I am bound to look upon it as an agreement between Lord Aberdeen and the Emperor of Russia—in the first place as to the partition of Turkey, and, in the next place, as to the unquestioned and unchallenged interference of the Emperor of Russia in the government of Turkey, first, upon the ground of treaty rights, and secondly, as the champion and the vindicator of the Christian subjects of the Porte.

Well, then, Sir, let us see whether the document of the Czar is not materially affecting our position at the present day—whether it has not materially contributed to bring us into the position which we now occupy. And here, Sir, I am bound to say that I think the observations of the noble Lord were very fairly put, so far as they related to the ultimate intentions of the Emperor of Russia, or to the policy of his country. I think that upon this point considerable misconception prevails, and that nothing could be more inexpedient than that England should go to war because it thinks that any foreign potentate has not behaved with sufficient candour, or that the policy of a foreign Power has been dictated by an undue spirit of aggression. These are not causes which would warrant us in hazarding so great a stake of life and treasure. With respect to the first point—the personal conduct of the Emperor of Russia—I am bound to say that, having read this "secret and confidential" correspondence, I entirely acquit him of any duplicity. He informed us not only of his future plans, but of his present intentions; and I should say that a frankness, which is very remarkable, characterises that correspondence. As for saying that when secret and confidential letters are published in this way there may not be traits and details which may create an impression unfavourable to the individual, all I would observe on it is, that I should think hardly any Gentleman in this House would like his secret and confidential correspondence to be suddenly published to the world, and the whole of his character and conduct to be suddenly and severely guaged and ascertained by what might appear upon the face of that correspondence—a correspondence, in this instance by the way, which was not written or conducted by the principal. But if you come to the spirit of aggrandisement on the part of Russia, I am bound to say also that I think the noble Lord made a very just observation, that we should not be in too great a hurry to believe that Russia is animated by any extraordinarily immoral propensity to increase her territory. I do not think it becomes any of the great Powers of Europe to urge that topic. I do not understand how France—our faithful ally at this moment—can come into court with clean hands and urge as a complaint against the Emperor of Russia the fact of the occupation of the Principalities, while she herself is in possession of one of the most considerable of the Principalities of Turkey—namely, the province of Algiers. I do not think it becomes England to do so with her Indian wars, and her recent proceedings in Burmah. Nor do I think it becomes that country to which the hon.

Member for Manchester (Mr. Bright) has referred as one that had redressed the political equilibrium—I mean the United States, which has recently absorbed Texas—to come forward at this moment and dilate on the immoral tendencies and the immoral policy of Russia. We oppose the policy of Russia, because, if she succeeds in getting possession of Constantinople, we believe she will exercise such a preponderating influence in European politics as would be fatal to the civilisation of Europe, and injurious to the best interests of England.

Well, Sir, the class of politicians represented by the noble Lord in his speech to-night—who believe there is vitality in Turkey—who believe there are the elements of continued independence in Turkey—who believe that she may be maintained in that independence and in her territorial integrity—that class of politicians may fairly call upon us to support her in this emergency. But as to that other class of politicians to whom the hon. Member for Aylesbury referred, and whose position is illustrated by the memorandum of 1844, I confess I cannot understand how they can call upon us to support the integrity and independence of a country which they believe to be utterly incapable of either quality. I say, then, you have been brought into the position you now occupy by a divided Cabinet, representing discordant opinions. We know the opinions of that portion of the Cabinet which the First Minister of the Crown represents. We have those opinions illustrated by the policy of 1829 and the policy of 1844. After the fall of Sir Robert Peel, and while the noble Lord the Member for the City of London (Lord John Russell) was First Minister of the Crown, and the noble Lord the Secretary for the Home Department (Viscount Palmerston) was Secretary for Foreign Affairs, we were not troubled with any schemes of partition. And again when Lord Derby succeeded to office, no plans of partition were suggested to us; so notorious was the determination of the late Government, and of the Government of the noble Lord the Member for the City of London, to maintain a good understanding with France. These partition schemes were considered to be so far settled in the year 1844, that when the Emperor of Russia returned to St. Petersburg he believed that the policy of Catherine had been virtually fulfilled; but the Ministry of that day, of which Lord Aberdeen was a Member, was much briefer than at the time was anticipated. During the whole period that the noble Lord (Lord John Russell) was Prime Minister, and during the time the Earl of Derby was Prime Minister, those plans were suffered to sleep. Yet, almost within forty-eight hours of the arrival of the news at St. Petersburg, that Lord Aberdeen had unexpectedly become Prime Minister, we find the Emperor, with feverish haste and undignified restlessness, sending for the British Ambassador and proposing to revert to the agreement of 1844.

Well, Sir, the circumstances under which Lord Aberdeen acceded to office were very remarkable. There was a patriotic determination on the part of various sections of this House who had little sympathy with each other in party or political feeling, to secure peace and Parliamentary reform. Sir, no time was to be lost in the attainment of those objects, and it was perfectly clear that, by turning us out, and making Lord Aberdeen Prime Minister, a large measure of reform could alone be obtained and peace preserved. We had then the Emperor of Russia instantly reverting to this policy. You say that the Emperor of Russia has been guilty of duplicity. The noble Lord (Viscount Palmerston), who really understands the question, talks of the deception with respect to the mission of Prince Menchikoff. Why, what do we find in the "secret and confidential" despatches, which range only over the first two months, barely three months, of the year? What are the great features? The features are these—a proposition for the partition of Turkey in the spirit of the memorandum of 1844; and shortly after, when this is discovered not to be quite ripe, as much in the opinion, as it appears to me, of the Emperor of Russia as of the English Ministers, either at St. Petersburg or at St. James's—what next? A frank piece of information that Prince Menchikoff is at Constantinople with certain objects which they care not to explain, and which you do not even ask them to explain. The Emperor says, "I shall be above board—I tell you fairly Menchikoff is at Constantinople; if the Porte will not consent to his demands, I will not be trifled with; I will use force." That is in the month of February. In that month the Emperor tells Sir Hamilton Seymour that he will not be trifled with, and that if Menchikoff cannot obtain his objects, he will have recourse to force. The hon. Member for Aylesbury (Mr. Layard) has given us a rapid but accurate narrative of these strange events, so that I need only allude to them to complete my argument. Sir Hamilton Seymour, who was not in the secret, much agitated, communicates with the Secretary of State, who then happened to be the noble Lord the Member for the City of London—a Member, I believe, of that school of politics who have faith in the vitality of Turkey, who believe that that country has great resources undeveloped, and that it may be both independent and progressive, a professor of what I will call, to make things simple, British politics on the subject, not Russian ones. The noble Lord (Lord J. Russell), who, I believe, took the seals of the Foreign Office with no serious intention of fulfilling the duties of that position, otherwise he would not have remained in it for so brief a time—indeed, we were informed, from the first formation of the Ministry, that another individual was to occupy that position—the noble Lord is called upon to answer this strange communication, and he does so in a despatch which I am as little inclined as the hon. Member for Aylesbury to criticise, in which I think there is much to praise; but still, one ought to be impartial, and as one is criticising his Colleagues, I am bound to say that there are some portions of this despatch to which I should have thought the noble Lord might have referred in his opening address, for they appear to me to need some explanation. This is what you call an historical despatch, and I think the occasion justified it. The noble Lord refers to the Succession war, and to the demise of the dynasty of the Medici. I doubt not the Emperor of Russia had heard of the Succession war, the last of the Medici perhaps was more familiar to the poetic historians, amongst whom the noble Lord once figured. But when the noble Lord referred to the Succession war—to which he often refers, and always with vigour and accuracy — when he adorned the pages of his despatch with that felicitous recollection of the last of the Medici, I could not help wondering why the noble Lord, as he is apt to be historical, and wished to make an impression, a friendly impression, upon the Emperor of Russia, had not in this despatch referred to an instance and an illustration which I think would have been far more apposite and instructive. Why did not the noble Lord take a case more in point? Because neither of the instances to which he refers has really any analogy with the partition of Turkey. Both are cases in which possibly a dismemberment and certain appropriation of territories was to be occasioned at the extinction of a dynasty. That is not the case with Turkey. The Sultan is alive; he is a young man, with a great many wives and a great many children. Suppose the noble Lord had said, "Sir, the only instance which I can recall to instruct us at this perplexing moment, is one with which your Majesty must be acquainted, and of more recent occurrence. It is not a political dilemma that occurred from the extinction of a dynasty, but rather from the partition of a kingdom. Sir, if we look to what occurred at the partition of Poland, I think that England, that Europe, and that even Russia, may have cause to hesitate before they again embark in such a venture, which has led to consequences so perilous even to your Majesty." But no; not a word about Poland. There is, however, something else in this despatch which I confess I read with the utmost astonishment. The tone in general is good, except that the noble Lord says that he thinks that at present there is no sufficient evidence to prove that the Sultan cannot govern his dominions; and his successor soon took especial care that the Sultan should not be able to govern his dominions, so far as the instructions from the Secretary of State to our Ambassador could bring about that. The noble Lord says that, as we cannot consent to the partition—the noble Lord certainly did not consent to the partition; but the noble Lord says:—"Your Majesty may find something to occupy you. There are means by which you may advance your hereditary policy. The memorandum of 1844, so far as the partition is concerned, is, in my opinion, impracticable; but the schemes of 1844, which are to prepare for the partition—viz. the protectorate of the Greek subjects of the Sultan—surely this is an office the exercise of which may well occupy your Majesty, and which may, in the meantime, effect all that a reasonable man may desire." What does the noble Lord say? He reminds His Majesty of that protection which the Emperor has already said he has found so burdensome and inconvenient. He tells us that it is "no doubt prescribed by duty and sanctioned by treaty." Now, mind, these are remarkable words. This is not merely a right, it is a duty. A man may possess a right, and it may be an inchoate right; he may not choose to exercise it; he is master of himself, and though he has it may come to the conclusion not to exercise it. Some men have a right of free warren; but a wise man would not exercise such a right in the present day. It is not merely a right the Emperor may decline to exercise; but it is also a duty which it is prescribed to him to fulfil. I think that is a remarkable admission. I want to know where are the treaties which sanction this right and which prescribe this duty? I think the noble Lord who was then Secretary of State, though for too short a time (Lord J. Russell), ought to condescend to inform the House where these treaties are to be found. The noble Lord is a very dexterous hand at a schedule —I do not know any statesman who has placed more schedules on the table of the House of Commons. Now if the noble Lord will place upon the table a schedule of the treaties which prescribe it as a duty to the Emperor, and sanction it as a right, that he should protect the Christian subjects of the Grand Seignior, I think that would be one of the most instructive diplomatic documents that could possibly be offered now to our consideration. But I am told, at least I read it to-day in one of those organs that sometimes injure statesmen by defending their conduct and vindicating their character—I am told that this is a malignant misrepresentation, and that the protectorate referred to—the protectorate under the treaty—was that of the Principalities of Wallachia and Moldavia. But, unfortunately, this is an answer of the Secretary of State—it is an answer to a passage which, I think, is about as clear and as complete as any passage that ever I read. What says the Emperor, as reported by Sir Hamilton Seymour? This is the passage to which the then Secretary of State replies. The Emperor says:—

> "In that empire"—of course the Ottoman empire—"there are several millions of Christians whose interests I am called upon to watch over, while the right of doing so is secured to me by treaty."

He adds that he makes a moderate and sparing use of the right. Thereupon we have the answer of the noble Lord (Lord J. Russell). He agrees to it, and says:—

> "It is no doubt prescribed as a duty, as well as sanctioned by treaty, that you should guard over the interests of the several millions of Christians in the Ottoman empire."

But what are we going to war about? I thought we were going to war to prevent the Emperor of all the Russias from protecting the Christian subjects of the Sultan of Turkey. That is really the question we are going to war about. We are not going to war to ensure the evacuation of the Principalities, although that may be the formal pretext of the declaration, because the Emperor has twenty times offered to evacuate the Principalities if you will give him this protection over the Christian population of the Porte—a protection which, according to the Secretary of State who commences these important papers, will involve us in a European and enduring war —a protection sanctioned by treaty, and "no doubt prescribed by duty." It is not a casual admission—it is made doubly impressive. First it is a right, secondly a duty, and then it is a doubtless duty. I am not mentioning this to blame the noble Lord, at least not much, but when we hear Potentates and Ministers in other countries called fraudulent, when we are told that every modification of falsehood has been by them exhausted, when the passions of the country are excited to involve them in scenes of warfare, the cause of which is still obscure and the end of which is darker still, I must ask myself whether there is any foundation for these statements, what this fraudulence is about, what these modifications of falsehood apply to. What is the fraud? Is it the pretence, the plea, the pretext of the Emperor of Russia, that he should be the protector of the Christian population of the Porte? Now, my opinion is, that there is no plea whatever for the Emperor to assume that protection. I have shown the House on a former occasion, in a brief but accurate analysis of the treaty of Kainardji, the slight fabric upon which that monstrous claim was built up. But what does the Emperor of Russia care for my opinion? He cares for the opinions of Secretaries of State, responsible Ministers of the Crown, men with whom he holds "secret and confidential" correspondence, men upon whose advice and counsel the Queen of England is to declare war against him and his subjects and all his Russias. When, then, I say, when he has a secret despatch in which it is said, in answer to his own expressions, that the protectorate over millions of the Christian population of Turkey is doubtless his right, is even his duty to fulfil, then I say no wonder that the Emperor of Russia was a little nettled when he found that the Minister who had made this frank and complete admission was the first person who in the British Parliament should denounce that claim of his as fraudulent. Notwithstanding that unfortunate paragraph about the treaties, I still could have wished that the noble Lord had remained Secretary of State, for I agree with the hon. Member for Aylesbury (Mr. Layard), who has touched upon that point so fully that it is unnecessary for me to refer to it, that there is a marvellous contrast in the tone, manner, and inclination between the despatches of the noble Lord and those of his successor. I say that it is this conflict in the Cabinet between British principles and Russian principles, British sentiments and Russian sentiments, upon this question that has ultimately brought us to the position in which we now find ourselves. I say that the partition of Turkey was by the Emperor himself, early in the course of these despatches, entirely set aside. It was not Lord Clarendon who closed that subject; it was the Emperor himself, who, speaking to Sir Hamilton Seymour early in the year, said, "The business of Montenegro has blown over; the time has not arrived to touch on that subject;" "therefore," virtually, he said, "I shall resort to other means by which I may obtain that supremacy in Turkey which must be a compensation and a substitute for the absolute and material appropriation of the States of Turkey; therefore I have sent Prince Menchikoff to Turkey, and my instructions to him are, if he cannot obtain his purpose, he is to use menaces, for I am not to be trifled with." I have thus traced the progress of the secret agreement of 1844. I have shown how the Emperor, systematically, candidly, with almost fatal frankness, required that agreement to be fulfilled, and endeavoured to work it out in all its provisions. And I ask you how you would have acted under those circumstances? I ask the House to consider how the present Government acted, with this full and complete knowledge of the views and policy of the Emperor? Now, mind you, I entirely acquit the noble Lord (Lord J. Russell) from being a supporter of Russian politics in the Cabinet. I believe from first to last he has always maintained British principles, and was disposed to act on a British policy. He was at the head of foreign affairs only for a moment. He was called on to decide a difficult question, with no anterior experience of it, and he left office before it was well entered into. There was a different tone in the language of his successor, different conduct, and, as the hon. Member for Aylesbury has shown you in clear detail, a totally different policy. What should have been the conduct of the Ministry? I ask the House to decide by their moral vote, for we shall not come to a formal vote, to say whether this war might not have been prevented?

Let me recapitulate before I sit down that I may not be misinterpreted, because these are questions on which there should be no misconception. I say that there are two systems of policy to apply to the management of what is commonly called the Eastern question, but which resolves itself into the geographical question, namely, the possession of that site which commands the empire of the world—the city of Constantinople. There is that school of opinions which I call British opinions, advocated by the noble Lord the Leader of this House (Lord J. Russell) and the noble Lord the Secretary of State for the Home Department (Viscount Palmerston), who believe in the vitality of Turkey, that it may remain an independent and even a progressive country, and form a powerful and sufficient barrier against the encroachment of Russia. There is the other school, which I call the school of Russian politics, that believes that Turkey is exhausted; that all we can do is, by gradually enfranchising the Christian population, to prevent, when its fall takes place, perfect anarchy, and contemplates the possibility of Russia occupying the Bosphorus. I say that the First Minister of this country has, during a long and consistent career, maintained on this subject Russian politics—that at every period of his career he has maintained a policy opposite to that supported by the noble Lord the Member for the City of London. I say that in 1829 he did it, and that in 1844 he entered into a virtual agreement with the Emperor to carry out the policy of ultimate partition and intermediate interference. I say that during the Ministry of the noble Lord (Lord J. Russell) and the Ministry of Lord Derby the Emperor of Russia never presumed for a moment to attempt to act on that agreement. I say that, from the moment Lord Aberdeen was the First Minister of this country, the Emperor of Russia never lost a moment in attempting to carry out his policy. I believe that the noble Lord opposite, in his brief interposition in the business, intended to assert British policy. I believe that sincerely; but the management of the business fell out of his hands into those of a noble Lord under the immediate, and naturally immediate, influence of Lord Aberdeen, and for a considerable time the Government attempted to fulfil the policy of the memorandum of 1844, but at last, and by the efforts of the noble Lord (Lord J. Russell) and the noble Lord the Secretary of State for the Home Department, a contrary policy was adopted, which has terminated, and I shall shortly show the reason, in a state of warfare.

I ask, what is the course the Government ought to have adopted when they found so undisguisedly what was the purpose of Russia, and what was the secret agreement which Russia deemed probable of fulfilment? Mark one important fact. The Emperor of Russia, when he came to this country in 1844 personally to enter into this secret agreement, based the whole of his future operations upon an estrangement between England and France—the partition was to take place without the interference or interposition of France. Now, in 1844 there was a cordial understanding between England and France generally throughout the Government of the noble Lord (Lord John Russell), and entirely through the Government of Lord Derby. But was there a cordial understanding between England and France when Lord Aberdeen acceded to power? Had the Emperor of Russia any reason to believe that there was any change in the feelings of this country towards France? A storm of invective against the Emperor of France was raised by the Colleagues of the noble Earl. No wonder the Emperor of Russia was in such extreme haste. No wonder he was so sanguine and so precipitate. No wonder he sent to Sir Hamilton Seymour immediately there was at the head of the Government of this country the individual who had agreed to the ultimate dismemberment of Turkey, who had agreed before the partition that Russia should indirectly govern Turkey, and who was surrounded apparently by Colleagues preventing a good understanding with France as much as possible. And then we are told by one of the Ministers that the Emperor made a mistake in supposing there was any change of feeling between the two countries. Why, was there not a change of feeling between the two countries? Is it not a fact that there was a considerable change, and have we not since found there was a most fatal alteration in the feelings of the two countries? No one can at this moment calculate the evil, the injury, which the conduct of the Colleagues of Lord Aberdeen and himself occasioned with reference to that point?

Well, then, I say, what ought the Government to have done when these communications were made? Suppose you had said, as the Emperor of Russia said with regard to Prince Menchikoff's mission, "We are not to be trifled with. This is no trifling matter. We know the plans have been long matured, devised with great judgment, and ripened with great vigilance. We know the Emperor of Russia is not acting from caprice, but upon a supposed agreement with this country of ten years old. He is counting upon an estrangement between England and France, for, in conversation with Sir Hamilton Seymour, he reverts to the point that this is to be carried into effect without the interference or interposition of France. We must lose no time in letting the Emperor of Russia know that he is labouring under most serious and awful misconception. We must tell him great changes have taken place since 1844—that no Cabinet is bound by what can be considered only as an agreement between gentlemen; and, however favourably that may have been received at the moment, great changes have since occurred in the position of Turkey, in the progressive improvement of Turkey, and in the opinions of the people of this country with respect to Turkey. We must tell him it is totally impossible to sanction these plans and prospects of his—that we look upon Turkey as capable of forming an independent barrier to any aggressive Power; and though we are anxious to maintain with him a cordial friendship, he must dismiss from his mind for ever those plots and plans which he has nursed with so much sedulousness and so much secrecy." Was anything of this kind said? Ought not the Government to have said more? "Sir, we find you are labouring under a great mistake. You are misconceiving the relations which subsist between England and France. The relations are not dynastic relations. They do not depend in any degree on the families which occupy thrones; they have been formed by the development of the material interests of the two countries and the intimate alliance which those interests suggest. We cannot consent to the partition of Turkey. That is out of the question; but if it were absolutely necessary and inevitable to consider the state of that Power, the first counsellor we should call in would be France. You are labouring under a great mistake, and you must relieve your mind from all this misintelligence." And do you believe, I ask, that if the Emperor of Russia—a prince of great sagacity, shrewdness, and ability—had been met in that way—if you had told him that partition was out of the question—that Turkey was not only to be maintained, but to be permitted to enter into the community of European nations—that France was the cordial friend of England, as you wished Russia also to be—do you believe that we should be at this moment discussing this question, or even in the possession of this painful "secret and confidential" correspondence? No, Sir, the war has been produced by one man. It has been produced by that individual who occupies the most eminent post in this country. And certain I am that, as time elapses, and not ere long, that will be the general conviction of all England.

LORD JOHN RUSSELL: I hope, Sir, I shall not have to occupy the House for any long time, while I reply to some at least of the observations which have been made in the course of this debate by hon. and right hon. Gentlemen on both sides of the House. I own I was a good deal surprised by the speech of the hon. Member for Aylesbury (Mr. Layard). That speech was no doubt a very able speech, but what was still more remarkable than its ability was the bitterness with which it was distinguished. I own I cannot imagine how it is that the hon. Gentleman, who, we have been accustomed to believe, takes more interest in the welfare of Turkey, and is more desirous to prevent that Power being overthrown by Russia, than any other Member—that he upon this occasion, when the House is asked whether or no it will support Turkey in an active, earnest, and effectual manner against Russia, should have filled three-fourths, or even more, of his speech with personal attacks upon Members of the Administration. How flimsy, too, are the materials on which these attacks are based! The hon. Gentleman is famous for excavations, and he seems to have been excavating the columns of the *Times* newspaper for the past year. He has produced extracts from the *Times* to show that the opinions of the writers in the *Times* agreed very much with the opinions of Russia. If he had shown that they agreed with the opinions of the English Government it might be some matter of charge that the English Government and the editors of the *Times* were in communication with respect to the Eastern question; but when he shows that the opinions entertained by the *Times* were the opinions which the hon. Member does me the credit of saying I was rebutting in this House, and declaring to be contrary to the policy of the Government, I really cannot see what purpose the hon. Gentleman hoped to attain, when he brought out the grave charge—almost a charge of impeachment—that he found the despatches received at the Foreign Office agreed in sentiment with the opinions given by the editors of the *Times*, and upon those premises he arrives at the somewhat illogical conclusion that the *Times* and the Government were leagued and agreed together. Unless the hon. Gentleman means to proceed generally with regard to papers, and to extend those inquiries which we have lately had some knowledge of, and to ask the editors of all the newspapers how they form their opinions, and who are the writers of particular articles—unless he goes to that length, I really do not see how he can make anything out of the charges he has made against the Government. With regard to the statement, that my noble Friend the Secretary of State for Foreign Affairs differed from me in respect to the communications made to the Emperor of Russia, I cannot but think that, though the expressions may be different, the sentiments are the same. The resolution not to agree in any previous arrangement with regard to Turkey was exactly the same, and as firmly declared by my noble Friend as it was previously declared by me. I need not, I think, refer to the speech of the hon. Member for Manchester (Mr. Bright). The opinions of the hon. Member, no doubt, are sincerely entertained by him. My noble Friend near me (Viscount Palmerston) has expressed his entire difference from those opinions, and I think he has sufficiently treated of that subject to render it unnecessary in me to say a word upon it.

But then comes the right hon. Member for Buckinghamshire (Mr. Disraeli), and he is very much impressed with the notions of the Emperor of Russia, and says that there are certain things that are gentlemanlike, and others that are not. He says that he believes allusions to the differences between Members of the Government are not gentlemanlike; and believing these allusions to be ungentlemanlike and unconstitutional, what does he do? Why, he proceeded with painful detail and at very considerable length, to point out the differences which he says existed in the Administration of 1829 between the Duke of Wellington and Lord Aberdeen, and he points out differences of a similar kind which he believes to exist between Members of the present Government; and he charges against one Member of the present Government and its head the faults for which his Colleagues must be responsible as well as the Earl of Aberdeen. That is the course the right hon. Gentleman adopts, and his theory of what is gentlemanlike very widely differs from his practice. But the right hon. Gentleman has criticised the memorandum of 1844, and the secret correspondence lately laid on the table; and in doing so he took not only parts of sentences totally separate from other parts, but mis-states the whole foundation of the memorandum and the correspondence, because the proposal of the Emperor of Russia is not to this effect, that "Turkey is a weak Power—she cannot maintain herself—let us ask her to give up her provinces—I will insist on having Bulgaria—do you insist on having Egypt, and we shall share the territory between us." That was the nature of the partition of Poland. The first, second, and last partition of Poland, all went on the strength of the combined Powers, and all consisted in making demands upon Poland, which bit by bit destroyed her territory and subverted her independence. Now the proposal of the Emperor of Russia was not of that kind, and therefore any reference on my part to the partition of Poland would have been a gratuitous impertinence, and would have been considered by the Emperor of Russia and his Government as having no application whatever to the proposal that he had made. Now, I think it is fair to suppose that the Emperor of Russia may well have imagined, as many persons, not in Russia alone, but in various other countries of Europe have imagined, that Turkey is a Power that cannot long maintain herself, and that the hour of her dissolution may be near at hand. Likewise, we may suppose that the Emperor may think that it would be very injurious to his empire and very injurious to his policy that, whilst he is respecting the integrity and independence of Turkey, England and France should agree upon what is to be the ultimate fate of territories that now form parts of Turkey. Well, if we take this supposition—a supposition I think natural enough—we arrive easily enough at the first sentence of the memorandum of 1844. The right hon. Gentleman says it is a memorandum the sole object of which is the partition of Turkey, and which shows that that was the ruling idea in the Emperor of Russia's mind, and that in fact it contained a plan for that partition. Now, what is the first sentence of the memorandum:—

> "Russia and England are mutually penetrated with the conviction that it is for their common interest that the Ottoman Porte should maintain itself in the state of independence and of territorial possession which at present constitutes that empire, as that political combination is the one which is most compatible with the general interest of the maintenance of peace."

The right hon. Gentleman, then, conveyed to the House a false notion of the contents of the memorandum. The memorandum goes on to state that it would be very unfortunate if the dissolution of the Turkish empire should come about suddenly, and that there should be no previous agreement on the subject; and the Emperor proposes that England and Russia should so far understand each other as, in the face of the dissolution of Turkey, to devise measures as to what should have to be done. Sir, in accepting that memorandum, I believe Lord Aberdeen lost no time in communicating its substance to the Government of France; and so far from being on bad terms with France, it was the Government of Sir Robert Peel at that period which first gave rise to the phrase of the *entente cordiale*, which then subsisted between England and the Government of Louis Philippe. So far, then, has the right hon. Gentleman mistaken the facts of the case, or allowed himself to ramble. Well, the right hon. Gentleman treats of the despatch which I had the honour to write, and says it was evidently my object that, not agreeing to the partition, I should give to the Emperor of Russia an occupation, and point out to him an employment in which he could spend his time in future, and that that employment should be the protection of the Greek subjects of the Porte. Now, the right hon. Gentleman made that representation by dint of leaving out part of a sentence; because the sentence I used, after saying that the Sultan should be advised to treat his Christian subjects with equity and religious freedom, went on to say:—

> "The more the Turkish Government adopts the rules of impartial law and equal administration, the less will the Emperor of Russia find it necessary to apply that exceptional protection

which His Imperial Majesty has found so burdensome and inconvenient, though no doubt prescribed by duty and sanctioned by treaty."

My object was not to point out that he should interfere more, but that, as the Government of the Sultan improved, he would find less occasion to interfere. Well, the right hon. Gentleman finds fault with the end of the sentence, "Though no doubt prescribed by duty and sanctioned by treaty." Well, I should have supposed that the treaty of Kainardji imposed certain obligations upon Turkey, and reciprocal obligations on the Emperor of Russia, else why does the hon. Member for Aylesbury and others wish to get rid of the obligations of that treaty? Is it not that in that treaty there is an engagement taken on the part of the Sultan to the Emperor of Russia that protection shall be given to the Christian religion and its churches? Can anybody believe that it would be consistent with any duty which the Emperor of Russia has, that treaty having been signed, to hear of villages being destroyed, and the irregular troops of the Sultan, being authorised by the Sultan himself to kill men, and lead women and children away into slavery. I say the Emperor of Russia could not hear of those circumstances and not feel himself bound to remonstrate with respect to such outrages. Therefore, Sir, I was saying no more than what was generally acknowledged ever since the signature of the treaty of Kainardji, when I said that, in exceptional cases the Emperor could give protection to the Christians. The right hon. Gentleman knows that, although this appears at the end of the despatch, the whole purport of the document is to reject the proposal of the Emperor, that before the fall of Turkey we should make some arrangement as to the future division of its territory.

With respect to the general observations of the right hon. Gentleman, in which he divided the Cabinet into those who he says pursue a British policy, and those who pursue a Russian policy, I believe, whatever difference of opinion there may be as to Turkish institutions and Turkish rule, and the administration of the law in that country, that with respect to Russia there is no difference whatever in the Cabinet, and that we are all determined not to allow any weakness on the part of Turkey to contribute to the aggrandisement of Russia. That is, in fact, the essential part of this question. Those who are most convinced of the weakness of Turkey, were naturally the most apprehensive of a war with Russia; not that they wished to favour the projects of Russia, but because they were afraid that, in the event of a war taking place, the position of Russia would become formidable in the balance of power. The right hon. Gentleman appears to find fault with the progress of the negotiations. Far be it from me to deny him the right which he or any other Member of this House possesses, of blaming the conduct of Her Majesty's Government in these negotiations. I believe, however, that the country in general would have blamed us if we had on the commencement of these transactions declared that there was no resource but war. If, under the delusive hope which the hon. Member for Aylesbury entertains, that if the war had been entered into earlier it would have been a short war, we had entered upon that war before we had exhausted the means of negotiation, the people of England would have blamed us for such conduct. I said last year that we ought not to make war till we had exhausted every resource for effecting a pacific termination of the disputes. The only way by which you would obtain the hearty assent of the people of this country to any war would be by showing them that you have made long-continued—and protracted, if you will—efforts to effect a pacific solution of the question. The Government are ready; they may meet with the criticisms of the right hon. Gentleman, and with the censure of my hon. Friend the Member for Aylesbury, but they believe that if either the right hon. Gentleman or my hon. Friend the Member for Aylesbury will produce a Resolution stating that we did not go to war sufficiently early, that we did not use that language to the Emperor of Russia which the right hon. Gentleman would have put into our mouths, I believe the country would disapprove of any such Resolution. I am quite sure that the language that the right hon. Gentleman would have had us use to the Emperor of Russia would have been totally unsuited to the occasion. If we had said to the Emperor, "You have proposed to us a partition of Turkey; no such proposition shall be allowed," the Emperor of Russia would have said, "I proposed no partition; what I asked you to do was to make an arrangement against the fall of Turkey happening without preparation." This answer we could not have met, because it would have been precisely within the terms of his proposal. I, therefore, submit to the House that we ask them to agree to a vote, not upon the ground that we have taken the first opportunity of making war, but that we have exhausted every endeavour to avoid war. And we even come before this House with every wish to restore peace as soon as it can be done consistently with the honour and interests of this country—that we know and have weighed the great power of Russia in any contest in which she may engage—that it has been with reluctance that we embark in this contest—but that, having entered upon it, we feel ourselves bound to give to Turkey every assistance in our power, and we rely upon the support of the nation in the struggle in which we are engaged.

Colonel SIBTHORP said, he had no confidence in France, and he did not think the explanations of the Government had been sufficiently satisfactory. There had been, in his opinion, great neglect and great delay, and he must complain of the vacillation that had characterised the councils of the Government. He believed, nevertheless, the country would be ready to assert the national honour and dignity. He did not like the sudden changes that were constantly taking place in the Government. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had hit them hard, and very hard, and they would go home and feel it. Poor creatures, he pitied them. He believed the war might have been avoided if proper steps had been taken at an earlier period, and for his part his humble services were at the disposal of his country.

Question put and *agreed to.*

Lord JOHN RUSSELL: I have to ask your advice, Sir, as to the next question. I wish to move that this Address be carried up to Her Majesty by the whole House. It is usual, I believe, to appoint a Committee in such cases to prepare the Address, but I believe that course will not be absolutely necessary, and if we could depart from it I would at once move that the Address be presented to Her Majesty by the whole House.

Mr. SPEAKER: The noble Lord has correctly stated the practice of the House. Whenever an Address has been agreed to by the House in answer to a Message from the Crown, it has been usual to appoint a Committee to draw up an Address in conformity with the Resolution of the House, but when an Address from the House to the Crown has been taken up by a Privy Councillor it has not been usual to appoint a Committee to draw it up, though the Address presented by a Privy Councillor would be in the same form as an Address presented by the whole House. The form of the Address, however, can as well be drawn up by the whole House as by a Committee, and if the noble Lord will move that the Address be presented to Her Majesty by the whole House, I am not aware of any objection to that course.

Lord JOHN RUSSELL: Then, Sir, I will now move that the Address be presented to Her Majesty by the whole House.

Mr. DISRAELI: I beg, Sir, to second that Motion.

Ordered—

"That the said Address be presented to Her Majesty by the whole House."

Ordered—

"That such Members of this House as are of Her Majesty's Most honourable Privy Council do humbly know Her Majesty's pleasure when She will be attended by this House with the said Address."

Lord JOHN RUSSELL: I hope, Sir, the House will agree to meet on Monday at half-past two, when I am led to believe I shall be in a position to convey House the command of Her Majesty, that Her Majesty will be graciously pleased to receive the Address of this House shortly after that hour — namely, about three o'clock.

The House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 3, 1854.

Minutes.] Public Bill.—2ª Church Building Acts Amendment.

THE ADDRESS TO HER MAJESTY.

The House met at Two o'clock; and, having transacted certain of the business on the paper, adjourned till half-past Four o'clock *post Meridiem;* and the House proceeded to Buckingham Palace to present the Address of Friday last to Her Majesty.

THE QUEEN'S ANSWER.

Her Majesty's Answer to the Address *reported* by the Lord Chancellor, as follows:—

MY LORDS,

"I thank you for your loyal and dutiful Address.

"It is highly gratifying to Me to receive the Assurance of your Co-operation in giving Effect to Measures which I consider necessary for the Honour of My Crown and for the Welfare of My People."

CHURCH BUILDING ACTS AMENDMENT BILL.

Order of the Day for the Second Reading read.

THE EARL OF HARROWBY, in moving the second reading of the Bill, said, that he would call the attention of the House to the importance of the measure, and to the inconsistency of the relations at present existing in certain districts between the population and the church accommodation. The necessity for making additional provision for church accommodation commensurate with the wants of an increasing population was generally admitted; the question was, however, from what source such additional provision was to come? He would refer their Lordships to the statements made in the Report of the Commissioners for the Subdivision of Parishes as to the paucity of churches in the parishes of St. Giles'-in-the-Fields, Shoreditch, Limehouse, West Hackney, St. Paul's Deptford, and other parishes containing large populations, and then ask their Lordships to contrast this want of church accommodation with the state of things in the City of London, where the churches were in excess, and in many of which the decline of baptisms and marriages denoted a disappearing population. With regard to populous parishes, their Lordships knew the enormous moral and social evils arising from the want of moral and religious training; and the spiritual wants of these places suggested that, side by side with so much population, there should be a suitable number of churches, and that Parliament should transfer the churches to the population, since they could not bring the population back to the churches. In some of the churches in the City of London divine service was sometimes celebrated in the presence of five or six persons; and how could either preacher or people feel any spiritual enthusiasm under such circumstances? It was positively injurious to the interests of religion to have a number of ill-served and unfrequented churches, with no population around them. The only objection that could be urged against dealing with churches and church-yards in the manner proposed by this Bill, was that arising, and not unnaturally, from the respect due to them as consecrated buildings and places. But he thought, that, when they came to consider the object for which these churches had been built, and the real interests of religion, he thought they would feel these to be minor considerations, which ought to be permitted to dictate their course, when great objects of a religious character were sought to be obtained. Parliament, even when no great public object was concerned, had dealt freely both with churches and burial-grounds. A new fire-insurance office, the Bank of England, a new dock, or a new street, furnished by turns proofs of the assertion, that when any secular object, great or small, was to be attained, Parliament had never hesitated, out of respect to consecrated buildings or the remains of mortality, to sacrifice them to such objects. He trusted, therefore, that their Lordships, having thus consented to sacrifice their feelings to considerations of minor moment, would not, when they were asked to carry out religious objects and to construct new churches in the midst of a population unprovided with them, and when districts in a frightful state of spiritual destitution were to be provided for, allow these feelings to deter them from giving their assent to this Bill. Their Lordships were probably not aware that there existed already large powers with respect to burial-grounds within the City of London; and that the Commissioners of Sewers were enabled by the existing law to make arrangements with respect to burial-grounds for any secular purposes. The provisions of the Bill were not confined to the City of London, although it would, of course, furnish the largest number of churches which would be pulled down and removed. In the cities of Norwich, Chester, and York, there were similar cases, where the population—just the same as they had done in London, though not to a similar extent—had deserted the churches, finding it more agreeable to quit the crowded habitations of the centre of those towns and to live in the suburbs; the effect being that the town churches were comparatively deserted, while the population of the suburban districts were very inadequately accommodated. The parties who would be entrusted with carrying out the necessary arrangements, in case this Bill should pass into a law, would be the bishop of the diocese, who would be bound in the first instance to give due notice of his intended proceedings, so that all parties interested might be fully aware of what it was proposed to do, and to certify the same to Her Majesty in Council; the Archbishop of the province, whose assent would have to be obtained; the Church Commissioners, whose sanction would also be necessary; the patron of the living, and the incumbent, so far as his own incumbency might be concerned. He thought that these provisions would be a security against anything being done rashly, or without having received full deliberation. It had been suggested that the Bill ought to state precisely what places were intended to be affected by its provisions. It would be obvious, however, that a good deal must be left to discretion; that they could not at any one moment come with sword in hand, or with axes and hammers, pulling down churches in one place, and re-erecting them in another; that it would be necessary in every case to consult the wishes of the patron, and to take into full consideration a variety of local circumstances and details; that, in point of fact, it would be necessary to make special arrangements which should be applicable to each case as it arose, and for which it was impossible to provide by any general Statute beforehand. The provision, however, which would make it necessary that the Bishop and Archbishop, as well as the Church Building Commissioners, the patron, and the incumbent, should be consulted, would, he repeated, be a sufficient guarantee against rash or inconsiderate proceedings. These were the main provisions of the Bill. There were some further clauses with respect to patronage—giving facilities for the disposal of patronage for the purpose of endowment—to which he would not at that moment refer, because he intended to propose that their Lordships should refer the Bill to a Committee upstairs, where all these matters of detail would be taken into full consideration. Taking the value of the sites at present occupied by the churches which would probably be removed by the operations of this Bill—without considering the value of the burial-grounds—at nearly half a million of money, he thought that the scheme was one which held out some prospect of meeting the great spiritual wants of the metropolis, and that, without some such scheme, there was no available resource by which those wants could be met effectually. The venerable Prelate who presided over the diocese of London might exert himself to raise large subscriptions, and in the course of ten or twelve years might succeed in building some fifty or sixty churches, most inadequately endowed, and with enormous populations surrounding them. But how could such a provision overtake the increasing wants of the vast population of this metropolis? The resources provided by this Bill were both natural and beneficial; and were their Lordships to sit with their hands before them while two and a half millions were left without proper spiritual provision, rather than avail themselves of so large and legitimate a source of income?

Moved—That the Bill be read 2ª.

THE EARL OF POWIS said, although he could hardly expect to induce their Lordships to disagree to the second reading of this Bill, he should take the liberty of pointing out, before it was referred to a Select Committee, some of its provisions upon which the noble Earl had very slightly touched, but to which he thought it right that the attention of their Lordships should be specially directed. In the first place, he would ask them to look at the short title of the Bill. It was called "A Bill to amend the Church Building Acts;" but, in fact, there were only two very trifling clauses in which the Church Building Acts were either repealed or modified. The points, however, which he would wish to bring under their Lordships' notice were those which were not included in, nor indicated by this short title. The noble Earl had referred to the great powers which were conferred on the Commissioners of Sewers, and to the removal of St. Catherine's Church, in order to make way for the docks; but he would remind their Lordships of the fact that when, at a later period, the Bill was passed for disposing of the Pavilion at Brighton, a clause was introduced providing that the chapel belonging to the Pavilion, being a consecrated building, should be disposed of in such a manner as the bishop of the diocese might approve. The result of that provision was, that the fabric of the chapel was transferred to a site elsewhere, which was given by a benevolent lady. Perhaps he might be asked what had become of the site; but the fact was that in that instance the site was not consecrated—the site was exempted from the consecration, which was confined to the fabric itself. But how did this Bill proceed? It gave a roving and unlimited power to pull down churches and unite benefices in all cities and market-towns. He scarcely knew what could be included in this term, "market-town," for it was not a description which was definite, like that of a town having a municipal corporation—so that there was really no knowing to what extent this Bill might be applied. The noble Earl had objected that it would be difficult to put into a schedule the names of all the churches to be affected by this Bill; but he did not see why they might not, in this instance, follow the course which was invariably adopted in the case of Inclosure Bills and Health-of-Towns Bills, and introduce into the measure, at all events, the names of the places intended to be affected by it, so that the parties whose interests were proposed to be interfered with might, at all events, have notice of the fact. Why might they not as easily enumerate the towns intended to be brought within the operation of this Bill, as specify in an Inclosure Bill the names of the lands intended to be inclosed? The fact was that except the City of London, there was scarcely any town to which this Bill could be applied. There were certainly not more than three or four places to which it could possibly be applied, without, in all probability, giving rise to great abuse. But, looking at the measure under any aspect, some of its provisions were contrary to the spirit of recent legislation with respect to the union of benefices. In former days there was a power of union which was swept away by the late Archbishop in his first Plurality Bill (1 and 2 *Vict.* c. 106). By that Bill the union of benefices was restricted to cases where the aggregate income did not exceed 500*l.* per annum, or the aggregate population 1,500. In the last Plurality Bill, introduced two years ago, the most rev. Prelate opposite, while he permitted the limits of value to be relaxed, resisted any relaxation of the limit of population. He considered that that was a just limitation; 1,500 persons being about the number to which one clergyman could properly attend. In the present Bill, however, there was no such limit with respect to population; and in the published scheme for the destruction of these churches in London, upon which this Bill was founded, he found that in several instances a population of upwards of 3,000 had been put down as to be placed under the superintendence of a single clergyman. That would be more than one clergyman would be able to attend to, and more than the church of the united benefices would in most cases be able to accommodate. When they took from a parish its church, he thought that they were bound, at all events, to see that the inhabitants had another church to which they could go, and that they had in that other church not only an area large enough for their accommodation, but a sufficient number of free sittings, available for their use. But yet the Bill contained no provision for giving to the parishioners of a church that had been pulled down a right to seats in the remaining church of an united benefice. The attention of its promoters had been wholly directed to its destructive clauses. What was the state of the City churches? Why, in several instances, their interiors were occupied by masses of large pews, of which people who did not attend kept the keys; and it was one cause of those small congregations which were put forward as the ground of this Bill, that the free sittings were so bad and so few in number. The noble Earl had mentioned several of the City parishes in which the baptisms and marriages had diminished; but in answer to this he would mention the fact that, in the aggregate, the population of the City at the last census was only 1,000 smaller than it had been in 1801. So much for that great diminution of population which was another of the grounds of this Bill. In point of fact, the resident population of the City, instead of decreasing, had increased 4,000 within the last ten years. But it was not only in the case of contiguous parishes that these unions were to take place; parishes might be united which were within half a mile of each other; so that persons might actually be obliged to cross two parishes in order to reach the churches that might be assigned to them. Now, when they were giving a general power, which was not to be restricted to a particular place, or even to a particular diocese, they ought not to stretch that power to its utmost possible width so that not a single benefice might escape. How the measure would operate he could not state; but the results of these unions in Ireland had not been such as ought to encourage any extension of the system; for the first condition of improvement in the Irish Church had been the separation of many of the parishes that had been united. He thought that the Legislature should not leave so much to the will of an individual prelate, or to the whim and fashion of the day. Unions might be as much in fashion at one moment as the condemnation of them at another. He believed there were other causes of the small congregations in some of the City churches besides the diminution of the population. The Report of the London City Mission, which was written in a very temperate tone, and not at all in a spirit of hostility to the Church, indicated some of those causes in the number of non-resident clergymen. The clergy, in many instances, lived at so great a distance from their benefices that the people were not able to obtain the assistance of a clergyman when such assistance was required; in some districts a visitor was never seen, and many people who had lived in larger parishes at some former period expressed surprise that the population should be so much more neglected in the smaller than in the larger parishes. In one ward it was stated that there was no other religious education than that given through the instrumentality of the City Mission, and in another it was remarked that, small as the ward was, the poor were never visited by the parish minister, and many were without Bibles. The universal testimony of the people residing in small parishes was that they were seldom, if ever visited, and one person stated most emphatically his conviction, that they were neglected to a much greater extent in the city than in the parish of Lambeth, where he had resided previously, and the writer stated as the result of his inquiries, that there was no part of the metropolis in which the people were less visited by their ministers than in these small City parishes. These were some of the causes why so much foundation had been laid for this Bill by the smallness of the congregations. He now came to the churchyards. He would pass by the question of pulling down consecrated fabrics, because that was a question which this Bill had already ignored. And he would ask to what would these places be reduced in case this measure should pass? They would either be got possession of and occupied by other religious communities—perhaps by the Church of Rome—or, in order to prevent that, and to ensure their being applied to secular, and not to religious purposes, they would have to resort to the not very creditable alternative of subdividing them into eligible building lots. Why might they not follow the example already set them in the City, by enclosing the graveyards, and allowing them to remain as open spaces, in which the population might walk or sit without disturbing the soil beneath, or being exposed to the dangers of the crowded streets? Because the object of the Bill was to realise every farthing that could be made, and because its whole machinery had been so contrived as to make the area of its operation as wide as possible, and to remove every limit, whether of value, population, or contiguity that might possibly obstruct its operation. He should not oppose the second reading, but he wished to call their Lordships' attention to the fact that the Bill was contrary to precedent; that it gave no security whatever that the population committed to the charge of a single clergyman should not be too large; and that it gave no security that the remains of the dead should have so much as mouldered away before the speculative builder came to let out the burial ground for building sites. He trusted that, if their Lordships gave the Bill a second reading, some modification would be made in it by the Select Committee. It was of such a nature that, if it were to pass at all it ought to be limited to those towns—but which were very few—where its operations would be beneficial; and he would ask their Lordships to couple with it a portion of another Bill presented by a right rev. Prelate for legalising pew-rents in churches. Having stated to their Lordships certain objections which had occurred to him, in order that their Lordships might not deem the Bill to be of so good and so innocent a character as was indicated by the noble Earl on the cross-benches, he would merely intimate that it was not his intention to oppose the second reading of it; but he warned their Lordships that, perhaps, they would eventually find that the path they were now to enter upon, would not prove *tutum iter et patens, converso in pretium Deo*.

THE BISHOP OF LONDON said, that it scarcely fell to the lot of humanity to be able to suggest a measure which should consist solely of unmixed good, and he did not support this Bill as such a measure, nor was he insensible to the objections which the noble Earl, with so much feeling, had pointed out. In reference, however, to the observation he had made upon the title of the Bill, he must observe that the "short title" was not expected fully to disclose the objects of the measure; but this measure was, in point of fact, entitled "An Act to amend the Church Building

Acts, and the Law respecting the Union of Benefices in Cities and Market-towns, for the purpose of building and endowing new Churches in Places where required, in Lieu of Churches in other Places not required, and to facilitate the transfer of Church Patronage." The object aimed at by the Bill was, therefore, very fully stated. That object was simple—to allow certain authorities, with certain safeguards, and subject to certain conditions, to take down churches where they were not wanted, and to build them where they were wanted; and he did not think that that was a principle to which their Lordships would object, however the mode of carrying it into effect might be open to discussion. Repeating his admission that the measure might not be altogether free from some mixture of evil, he did not think that it involved so great an amount of evil as should induce them to reject the very large amount of good which it was undoubtedly calculated to effect. With respect to the question of spiritual destitution, it appeared from the last census that there were within this metropolis no fewer than 640,000 souls for whom no provision whatever was made for enabling them to attend public worship, either in the church or in connection with any dissenting communion. This surely was sufficient to shock the feelings of every Christian, and to induce them not lightly to reject a measure which was calculated to mitigate in ever so slight a degree so great an evil. When the noble Earl spoke of the population of the City having increased, he spoke of the parishes without as well as of those within the walls. Now, some of those parishes without the walls had very large populations, and probably some of the churches taken from the parishes within the walls would be transferred to those without. The promoters of the Bill did not seek to provide further accommodation for the wealthier classes of the City of London. The people for whom they sought to provide were the labouring classes generally, who worked during the week in the warehouses and counting-houses of the great city merchants, and went out on Sundays to Whitechapel and Bethnal-green, and to the large and densely-populated suburban parishes. He regretted that some cause of complaint existed with regard to the non-residence of a portion of the clergy of London, but the evil, which was in a great measure attributable to the want of parsonage-houses, was nevertheless diminishing. He did not mean to say that pastoral visitation was in all cases carried to the extent that he could desire; but he believed that if the writer of the article in the *City Mission Magazine*, from which the noble Earl had quoted, had investigated the matter more closely, he would have found that the clergy were faithfully and zealously doing their duty to a much greater extent than he had admitted. Although years ago the poor of the City of London had been much neglected, he knew from his own experience and personal observation that the case was very different now; and although, perhaps, the whole of the clergy did not perform their duty in the zealous and efficient manner in which he desired to see it performed, yet there were many against whom there was not the slightest ground of complaint. The noble Earl opposite had referred to the pews in many of the churches being locked, and thus rendered useless. He (the Bishop of London) had himself carried on a persevering war against pews, and the noble Earl would not find a more zealous coadjutor in doing away with the system of pews, and affording the poor free ingress into the churches throughout the country. The noble Earl had referred to a Bill which he (the Bishop of London) had introduced; and it was stated that its object was to legalise pew-rents. His measure, in point of fact, did no more than this. There were certain churches built a century and a half ago, in which, from the time of their erection, pew-rents had been illegally levied. These rents had been received and administered by the churchwardens and vestry, and in cases that he knew of, where the rental was 1,200*l.* a year, a very small proportion only went to the clergyman. The object of this Bill was to legalise pew-rents in these particular churches; but to take them from the uncontrolled disposal of the churchwardens and the vestry, and to enable the Church Building Commissioners, with the consent of the Bishop, to appropriate them towards the maintenance of the minister, the maintenance and repair of the fabric, and the expenses of Divine service. It had been his good fortune to add about eighty churches to the churches of the metropolis, by the liberal contributions of private individuals; but the accommodation was still lamentably insufficient; and if they could obtain half a million of money in this way, to supply the more destitute parts of the metropolis with churches, he did not think any Christian could lay his hand upon his heart and say it was an unholy thing to do so. He should object to the railing in the present burial-grounds in London as places of exercise or recreation, as it was in the least degree likely that they could ever be used for that purpose; and, inasmuch as hardly a month passed without his receiving applications from friends of deceased persons to sanction the removal of bodies from one graveyard to another, or to some cemetery, there seemed to be nothing really objectionable in the principle of removing them. As to the pamphlet which had been quoted by the noble Earl, and in which the writer spoke of sweeping away thirty churches, he (the Bishop of London) did not bind himself to the number of churches that would be dealt with under this Bill; but this he would say, that, whatever the number, every individual case would be most carefully considered, and the parish authorities previously consulted. There was nothing like a sweeping removal of churches contemplated by the Bill; and he trusted, looking to the fact that two or three hundred more churches were required to meet the enormous increase of population in the metropolis, their Lordships would not suffer any inferior considerations to interfere with the great Christian duty of doing everything in their power to Christianise, to evangelise, and to humanise, our neglected fellow-countrymen.

Lord St. LEONARDS said, he apprehended few persons would object in the abstract to the pulling down of a church where it was not wanted, in order to erect one in another place where it was wanted. The question for the Select Committee would be as to the mode in which this principle should be carried out. Would power be given by the Bill to any body of men to decide what churches should be pulled down? Would it not be better to insert in the Bill itself the names of the churches —which, if they could be ascertained after the Bill passed, might as well be ascertained before—and thus those who were interested would, in each case, have the opportunity of being heard, and the satisfaction of knowing that the case was decided upon by the highest authority. Such a proviso, he believed, would be most acceptable to the public, and tend to allay the apprehensions which now might exist, and the objections which might be entertained to the measure. This, however, with other points, would be best considered in the Committee.

On Question, *resolved* in the *affirmative.*

The Bishop of London

Bill read 2^a accordingly, and *referred* to a Select Committee.

TESTAMENTARY JURISDICTION BILL.

House in Committee (upon Re-commitment), according to Order.

Clauses 1 to 4 agreed to.

On Clause 6,

Lord WYNFORD said, that it would be preferable to establish a new Court of Probate rather than to transfer the testamentary jurisdiction to the Court of Chancery. By this means the grand difficulty about compensation to those who had vested interests in the Ecclesiastical Courts might be obviated, which otherwise would, he should apprehend, be fatal to the Bill. The Commissioners were far from being unanimous in their approval of the present measure, and, indeed, the transfer of the jurisdiction to the Court of Chancery was negatived by a majority of 9 to 3. He moved, "That for the words 'Court of Chancery' be substituted the words 'Court of Probate.'"

The LORD CHANCELLOR observed, that if the Amendment were carried it would have the effect of completely changing the character of the Bill, because its very title was "A Bill to transfer the Jurisdiction of the Courts of Probate to the Court of Chancery." The Bill had been read a second time, and to make it as perfect as possible had been referred to a Select Committee, and now it came before a Committee of the whole House. He therefore thought the present Motion, however proper on a second or third reading, entirely out of place, though he did not shrink from discussing the principle of the Bill at any stage of the proceedings. There were thirteen Commissioners appointed to consider this subject; four were in favour of transferring testamentary jurisdiction to the Court of Chancery *simpliciter*, and nine were against that simple transfer; and upon a further question proposed by one of the Commissioners, eight were against the constitution of a new Court of Probate. Under these circumstances he brought in the present Bill, transferring the jurisdiction to the Court of Chancery; and upon the occasion of introducing it, he stated the arguments which had guided him to the adoption of that course. He submitted that the institution of a new court was an evil, because the multiplication of courts entailed additional expense, and the more courts the less certainty in the law. The question whether a new court was necessary depended on this—whether the Court of Chancery in its present constitution was or was not able to absorb the business of the courts of probate. He had not the statistics which he had stated to their Lordships on a former occasion; but he believed the business of the probate courts would occupy sixty days, or fifteen days each, if divided among the three Vice-Chancellors and the Master of the Rolls; but, whether divided or not, that was the amount of work that would have to be done, and he thought it might be easily absorbed by either one or more of the equity courts. It was of infinite advantage that the same cause should be decided, from beginning to end, in the same court; and he had never ceased to entertain the opinion that it was extremely undesirable to be splitting up the subject-matter of jurisdiction and directing the attention of certain judges to one particular subject. No judge was so able to discharge his duties whose mind was narrowed to one single subject. It appeared to him, therefore, their Lordships ought not to agree to this Amendment independently of the point—which, as a matter of form, was very important—that it ought to have been urged upon a second or third reading, but not in Committee, because, if carried, the whole of the Bill would fall to the ground.

THE EARL OF DONOUGHMORE said, he was opposed to the Bill, and should have divided against it on the second reading, had he not understood that it would still be open to object to its main provisions in the Committee. The proposed transfer of the probate jurisdiction to the Court of Chancery would entail great difficulties, and among others the difficulty as to compensation. The proctors of the Ecclesiastical Courts gave 2,000*l.* or 3,000*l.* for their privilege of exclusive practising, and this could hardly be taken from them without compensation. His persuasion was that the difficulties thus to be encountered would not be counterbalanced by any commensurate advantage, and that, on the contrary, there was a balance of convenience and advantage in confining the jurisdiction in particular classes of subjects to a particular court.

LORD CAMPBELL said, twenty years ago he had concurred in the Report of the Real Property Commissioners, which recommended the transfer of the probate jurisdiction to the Court of Chancery, and he adhered to the same opinion still. The present measure, however, had this advantage, that, as he understood, the probate jurisdiction would be exercised by a particular portion of the Court of Chancery. So, at least, he understood the measure; and on his construction of it, the advantages of both systems would be secured. He thought it better to let the Bill remain as it was, and, instead of a court of probate, that the jurisdiction should be referred to the Court of Chancery, with the understanding that there should be no choice of courts, or going from one to another of the Vice-Chancery Courts and the Court of the Master of the Rolls, but that it should all be referred to one court.

Clause *agreed to*, also Clauses 7 to 19 *agreed to.*

On Clause 20,

THE BISHOP OF ST. ASAPH moved an Amendment to the effect that present registrars and deputy-registrars should be allowed to continue their private practice for ten years after the passing of the Act.

THE LORD CHANCELLOR said, it was impossible he could agree to the Amendment. Sufficient salaries would be provided for registrars and deputy-registrars, and they would therefore be expected to devote the whole of their time to their public duties.

LORD ST. LEONARDS said, he had already agreed that the jurisdiction should be in the Court of Chancery, and not in a court of probate; but he wished that it should be confined to one court in Chancery, and that the Judge of the Prerogative Court, whose office had been kept up at his suggestion, should be called on to sit with the Judge of that Court when necessary. The clause in the Bill as it now stood enacted that the "jurisdiction should be in one of the Vice-Chancellors or the Master of the Rolls, as the Lord Chancellor should from time to time direct, and with him the Judge of the Prerogative Court should sit." What he wished to have done was, not that the Lord Chancellor should be able from time to time to appoint a court, but that the whole of this business should be attached to one court. The Court of Chancery, with its present business, had an excess of judicial power, and one of the Judges could attend to this business. The noble Lord then read his clause, which was to the effect, that the contentious business of probate and letters testamentary should be heard by such one branch of the Court of Chancery as the Lord Chancellor should direct, and the Judge of the Prerogative Court should sit with the Judge of that Court.

THE LORD CHANCELLOR said, that this question rather related to the 37th clause, on which he should have been prepared to explain the clause as it stood in the Bill, but he had no objection to do so now. The object of the clause was to prevent the business relating to probate being dispersed over all the court, but should be done by one Vice-Chancellor's court. His noble and learned Friend objected to the Lord Chancellor having power from time to time to direct what the court should be; but he thought it might be left to the discretion of the Chancellor. When the Court of Review was abolished, and the appellate jurisdiction in bankruptcy was transferred to the Court of Chancery, the Act of Parliament gave the Lord Chancellor power from time to time to appoint the Vice-Chancellor, who should sit in bankruptcy, and why should not the same power be given now? especially as the absolute confinement of the business to one particular Vice-Chancellor might lead to inconvenience and delay, particularly during the long vacation. The clause of his noble and learned Friend only provided for the "contentious business," whereas, that in the Bill provided for the performance of "non-contentious" business, business of course and unopposed, by the same branch of the court. His noble and learned Friend also proposed to give precedence to the advocates of Doctors' Commons in the new court over all other barristers; but he (the Lord Chancellor) thought if those gentlemen desired it it would be a suicidal act. Those with whom he had consulted, however, were of opinion that it should not be so; for when the probate business was confined to one Vice-Chancellor's court the advocates would naturally secure the largest share of the business; while as the Bill stood, the inconvenience would be prevented which would arise when in important cases Queen's Counsel were required to be employed, and the advocates who were their juniors had precedence, which would of course prevent the former being retained. As regarded the Judge of the Prerogative Court, the Bill went further than the clause of his noble and learned Friend, for it provided that if the Lord Chancellor thought fit the Judge of the Prerogative Court might sit alone. He thought that the clause in the Bill provided all that was necessary, avoided difficulties which the language of the clause of his noble and learned Friend caused.

LORD ST. LEONARDS said, that he had been told by one of the principal advocates that the giving them precedence in the new court would be a great boon; but as he only wished to benefit them, if they did not desire it, he would strike that provision out.

THE EARL OF HARROWBY inquired whether the establishment of one court in Chancery would have the effect of keeping up proctors and advocates.

THE LORD CHANCELLOR said, he hoped so. He thought the business would naturally fall into their hands, although they would not have precedence. As to exclusive right to the business that was never contemplated.

LORD ST. LEONARDS said, that he could strike out that part of his clause which related to the precedence of advocates in the new court.

Clause *agreed to*, also Clauses to 36 *agreed to.*

On Clause 37,

LORD ST. LEONARDS moved the omission of the clause, and the substitution of the following:—

> That the contentious business in testamentary matters hereby transferred shall be heard in such one branch of the said Court of Chancery as the Lord Chancellor shall direct, and shall be heard by the judge or judges of that branch; and the present Judge of the Prerogative Court (whose office is not to be filled up after his retirement or death) shall sit with such Judge or Judges, and have the same power and jurisdiction over such matters as shall be brought before such one branch of the said Court of Chancery as is hereby conferred on the Judge or Judges of the said court; but the said Judge of the Prerogative Court is not to form part of the court before which any appeal shall be heard from any decision of the court in which he shall have sat; and the present advocates of the Court of Arches shall in the said Court of Chancery, upon the hearing of the matters aforesaid, originally or upon appeal there, only and during the period of ten years after the passing of this Act have precedence over the other members of the bar of equal or greater rank or standing; and the Lord Chancellor shall make such orders as he may deem necessary in order to give effect to their provisions."

The present clause, as it stood in the Bill, provided that the contentious business in testamentary matters should be heard and determined by such Vice-Chancellor as the Lord Chancellor might, from time to time, appoint; but he wished it to be attached to one of the courts, and he was satisfied the effect of his clause would be to prevent appeals, and afford the most entire satisfaction to all parties.

The LORD CHANCELLOR thought the clause in the Bill was infinitely better than that proposed by his noble and learned Friend. It would effect the object which his noble and learned Friend had in view, while it was framed in strict accordance with the arrangement made ten years ago with respect to jurisdiction in bankruptcy, which arrangement had been found very convenient.

Their Lordships *divided*:—Content 10; Not Content 14: Majority 4.

Clause *agreed to*.

The remaining clauses and schedules of the Bill agreed to with Amendments; the Report thereof to be received *To-morrow*.

House adjourned till *To-morrow*.

HOUSE OF COMMONS,

Monday, April 3, 1854.

Minutes.] New Members Sworn.—For Liskeard, Ralph William Grey, Esq.; for Tynemouth, William Schaw Lindsay, Esq.

Public Bill.—2° Dublin Port.

WAR WITH RUSSIA—THE ADDRESS.

Lord JOHN RUSSELL walked down to the bar, and, having been called on by Mr. Speaker, said: Sir, I have received Her Majesty's commands to acquaint the House that Her Majesty will be pleased to receive the Address of this House to-day at Three o'clock.

[Mr. Speaker (who was attired in his State robes), preceded by the Sergeant at Arms bearing the mace, followed by Lord J. Russell, and the other Members of the Government, and attended by the Members present, then left the House to present the Address to Her Majesty.]

The House resumed its sittings at half-past Five o'clock, when

Mr. SPEAKER said: I have to report that the House has this day attended Her Majesty with the Address in reply to Her Majesty's Most Gracious Message, and that Her Majesty has been pleased to return the following most gracious answer:—

> "I thank you for your loyal and dutiful Address.
>
> "The declaration of your sentiments on this occasion affords Me great satisfaction; and I rely with confidence on your co-operation in measures which I consider necessary for the honour of My Crown and for the welfare of My People."

NORTH LONDON RAILWAY BILL.

Order for Third Reading read.

The Marquess of CHANDOS said, it was his intention, after the third reading of this Bill, to move the omission of the whole of the clauses from the 19th to the 25th, both inclusive. He objected to those clauses on the ground of the too extensive powers which they proposed to confer upon the Board of Trade; and, also, because, during the last Session of Parliament, the matters to which the clauses referred were treated as questions of public importance that must be dealt with by some general measure of legislation. The effect of these clauses was to make considerable changes in the law, which delegated, perhaps very rightly, to the Board of Trade, large and ample powers that took away, in some respect, from the public the right of appeal to the law courts in cases of action. They also delegated to the Board of Trade power over the adjustment of tolls, and the rate of charges to be made by companies upon the public, and not only the power of reducing or mitigating the tolls already sanctioned, but of raising them in some respects. Such a power might be right, but to be useful he thought it should be made of universal application, for it would be most unjust to apply to one railway powers which were not applied to another. True, he might be told that the introduction of the clauses was to form a precedent for general legislation. But was it not absurd to ask the House to consider them in a private Bill, when it was intended to legislate upon them in a public Bill? Was it not absurd to introduce into this measure clauses which were to form the subject for discussion a fortnight hence, perhaps in an altered or considerably modified shape; and if so, of course involving the repeal hereafter of the clauses in the present Bill? He must say, he could have wished to see the general Bill of the Government upon the table before they proceeded to legislate in the mode proposed. That, he felt, was absolutely necessary to their legislating upon railway matters with advantage, not only to the companies, but also the public at large. He thought he was justified, therefore, in asking the House to withhold its assent from the clauses until hon. Members had had an opportunity of seeing what was contained in the contemplated Bill. Previous to the adoption of any such clauses, surely time ought to have been given for their consideration; but although they had been circulated amongst Parliamentary agents and others as proposed to be inserted in all Railway Bills, they had not yet been placed in the hands of the Members of that House. When he first heard of them, he at once went to the Vote Office and then to the library of the House to obtain a copy, but in neither place could he succeed in doing so, and at the Vote Office to this day they were not to be obtained. The clauses were, he understood, prepared by the Board of Trade, and by that Board sent to the General Committee on Railway Bills, in the form of a Report, more than a fortnight ago. It struck him as most extraordinary that a Report of that importance, recommending the insertion in a private Bill of clauses which were to form part of a general measure that was still under consideration by the Government, had not been laid upon the table of the House. This, therefore, formed an additional reason why the clauses should not be adopted, until the measure contemplated by the Board of Trade had been brought forward.

Bill read 3°.

On the Motion that the Bill do pass,

THE MARQUESS OF CHANDOS said, he would now move that the clauses from the 19th to the 25th, inclusive, be expunged.

Amendment proposed to leave out Clause 19.

Question proposed, "That Clause 19 stand part of the Bill."

MR. BOUVERIE said, as Chairman of the General Committee on Railway Bills, he must beg to explain that these clauses which the noble Marquess desired to expunge had been prepared and recommended by the Board of Trade at the request of the Committee, and that they had not been laid upon the table of the House because it was not usual for Select Committees on private Bills to lay on the table records of their proceedings, or copies of clauses which they recommended should be inserted in Bills. The object of these clauses was to provide that railways, in forwarding traffic brought from other lines and canals, should not show any undue preference to particular companies. Great inconvenience was at present caused to the public from the conduct of the railway companies in this respect, as was illustrated in the case of the Eastern Union Railway and the Eastern Counties Railway. Again, owing to the differences between the London and North-Western Company and the Shrewsbury and Birmingham Company, the unfortunate passengers were made to travel fourteen miles out of their way. A remedy for this state of things was therefore demanded by the public interest. Now, he was not particularly enamoured of these particular clauses abstractedly; but he said that the railway companies, when they combined together, were a most powerful and enormous body, and there was great practical difficulty experienced in dealing with them; and an extraordinary grievance like the present required an extraordinary remedy. The best way in which the public could obtain from them what was wanted was by Parliament making stipulations with them as they came from time to time before it seeking for powers and advantages. Parliament could then obtain some equivalent for the public in return for the privileges it conferred; and this, although it might only be a gradual remedy, would, in his opinion, secure more for the public than would be done by waiting for a general public Bill, which was not likely to be passed for a very long time. This, he thought, was the mildest and justest mode of dealing with the companies; because if they were to pass a general Bill applying to all railways, old and new, it would be said that their legislation was *ex post facto*, and that they were dealing with companies that had no favours to ask of them in the same way as with companies that had.

LORD STANLEY said, he was not personally interested in any railroad in this country; but as a Member of the General Railway Committee he thought it right to say a few words on the subject. He would not then enter on the merits of the particular clauses in question, or discuss whether they were right in principle or wrong; what he would contend for, however, was that these clauses were sought to be passed through the House in an objectionable manner. His real objection to the clauses was, therefore, one not so much in the interest of railway companies as in the interest of the House. A sub-Committee, of which he (Lord Stanley) was a Member, had received a paper containing a copy of these clauses, headed, "Clauses to be inserted in all Bills," which made it appear that some authority was claimed by the general Committee in matters of this kind. Then the different sub-Committees would form their own opinions as to the insertion of these clauses in any particular Railway Bill. The hon. Gentleman (Mr. Bouverie) said that the railway interest was very formidable, and would offer very great resistance if the House attempted to introduce these clauses into a general measure; but what was that but to say that because the railway companies could not be attacked fairly, the House should be prepared to attack them unfairly. The course now suggested, if taken, would practically and in effect be coming to this—that they were to have a general Act affecting all future lines and companies, which Act was to be proposed not by the House, but by the general Committee on railway business. To this he objected, as being unconstitutional in principle and inexpedient in practice; therefore, he should give it his decided opposition.

Mr. TATTON EGERTON said, that the great principle pursued by the House of late years had been to withdraw private legislation from the consideration of the whole House, and delegate its authority to Committees, and he begged to say that "forwarding clauses" like the present was by no means novel in principle, because they had been inserted in previous Railway Bills. If the House did not take the opportunity of dealing with the companies when they came to make a request of Parliament, it would adjourn till an indefinite period the provision of a remedy for the evil now justly complained of on the part of the public.

Mr. GEACH said, he thought these clauses would strike a blow at private enterprise, the effect of which he was bound to believe that neither the House nor the Government clearly understood. No other great interest in the country would be treated in the same way as the railway companies; and he saw no reason why a different rule should be applied to railways than was applied to land, for instance. He be believed that if the railway companies had been made aware beforehand that they would have to submit to such legislation as this, a great proportion of the capital now embarked in railways would never have been so invested.

Mr. LABOUCHERE said, that the question before the House was one of very great importance, and ought not to be decided except upon mature consideration. The question had presented itself to the Railway Committee which sat last year in the following manner:—The Committee felt generally that they had the choice between either sanctioning amalgamation on a great scale, or sanctioning it on a smaller scale, and at the same time providing those guards for the protection of the public which this amalgamation would necessarily render it advisable to establish. Now, he (Mr. Labouchere) thought that the House must adopt clauses of the nature of those now before them, in some form or other, if they really meant to protect the public against injury and inconvenience; but he apprehended that the manner in which this question was now brought forward would tend, in no slight degree, to prejudice its fair discussion. It was most important that the question should be brought forward in the most open and avowed manner, and no advantage, he believed, could possibly be gained by endeavouring, by a sort of side-wind, to introduce clauses into a Bill without the full knowledge and sanction and deliberate consideration of the House. The Resolutions adopted by the general Committee had not been generally circulated; and, in truth, he thought they ought to emanate from the responsible body in such matters—the Board of Trade. This measure need not be taken by means of any Act of Parliament at all, but the President of the Board of Trade would act in the way most conducive to the public interest if he framed some general Resolutions on this subject, and laid them on the table of the House; and if upon deliberation the House adopted those Resolutions, it might be made an instruction to the sub-Committees to insert these Resolutions in particular Bills, so as to ensure uniformity. At present, as pointed out by the noble Lord the Member for King's Lynn (Lord Stanley), no such uniformity would be obtained, as the Committee would be free to decide according to their own judgment. He, therefore, hoped that this subject would be dealt with as a separate and distinct question after due notice had been given, which he believed would be the most judicious mode of accomplishing the object in view.

Viscount JOCELYN said, he thought the suggestion of the right hon. Gentleman (Mr. Labouchere) deserved great consideration. He had understood that the clauses which had been framed by the general Committee were designed to secure uniformity of decision upon Railway Bills; but it appeared, after what had been stated that night, that the clauses were not meant to be necessarily binding upon the sub-Committees, so that similarity of decision would not be ensured. He (Lord Jocelyn) had thought it would be advantageous if a general Bill were laid on the table; but, looking at the growing power of the railway companies, and the difficulty there was in obtaining from them the conveniences to which the public was entitled, he had not thought it wrong, in a Committee with which he was connected, to propose to insert these clauses. He agreed, however, with the right hon. Gentleman who spoke last, that it would be advisable if the Government were to lay Resolutions on this subject on the table.

Mr. CARDWELL said, he thought that the feeling of the House on this subject had been rendered very clear by the discussion which had already taken place. That discussion, however, had not touched at all on the general principle of these clauses. With the single exception of the hon. Member for Coventry (Mr. Geach), not a word had been said against that just protection, as it appeared to him (Mr. Cardwell), to which the public was entitled in a matter of this kind. But a very strong opinion had been expressed by a great many Gentlemen whose views were deserving of great weight, that this was not a convenient form of raising that question, and nobody had stated that opinion more strongly than the noble Marquess who originated the discussion, and for whose opinion on such subjects he (Mr. Cardwell) had the highest respect, looking at the important position which the noble Marquess held connected with the railway interest. Therefore he (Mr. Cardwell) collected that it was the desire of the House to come to a fair deliberation and decision on this question. He hoped, after what had passed, that any general Bill which might be introduced would be dealt with by all parties, including the railway companies, upon its own merits, and with a desire to give it effect, if its provisions were consistent with the public interest. The right hon. Gentleman the Member for Taunton (Mr. Labouchere) and others had expressed an opinion in which he (Mr. Cardwell) entirely concurred, viz. that the more uniform the measure was, and the more uniform its application, the greater would be its benefit. He had, therefore, spoken to his noble Friend the Leader of the House during the discussion, and with regard to the course which the Government would take in the introduction of their Bill, he (Mr. Cardwell) would, with the permission of the House, make a statement on that subject on Thursday next. The desire of the Government was to introduce their Bill and give it the fairest and fullest discussion before Parliament; and he would therefore suggest that the most convenient course to pursue with regard to the Bill now before the House would be in the meantime to postpone its further consideration until he had had an opportunity of making the statement to which he had referred on the general question.

Mr. LOCKE said, whatever might be the views of the right hon. Gentleman and the course he intended to take, he would ask the House to consider what the right hon. Gentleman was about to do. And though he did not deny that some alteration might be needed in the railway system, yet he would ask the House to bear in mind that in one of the propositions of the right hon. Gentleman it was intended to deal with tolls which the House after solemn deliberation had sanctioned and secured to railway companies. He did not approve of this side-wind way of dealing with the subject, and he hoped the House would not sanction such a course.

Mr. AGLIONBY said, he wished to know what was to be done by the Committees now sitting, or about to be appointed? Were all the Bills to be suspended until the right hon. Gentleman had introduced his Bill, and until it was carried, or were the Bills to be thrown before the Committees at random?

Lord HARRY VANE said, that, as Chairman of one of the groups, he wished to know whether it was right that those Bills should be proceeded with? It was absolutely essential some proceeding should be adopted with regard to the present stage of these proceedings, because they could not proceed further without manifest detriment. It was hard upon railway companies on whom these clauses had been forced, that they should be made exceptions to the general rules of the House. It was from a conviction that every Committee should introduce these clauses into the Bills before them that he consented to be a party to the introduction of those clauses.

Mr. BARROW said, he had no difficulty at all in supporting the Motion of the noble Marquess.

Mr. LAING said, the promoters of new Bills would be placed under circumstances of hardship if the progress of the Bills were to be suspended until the proposed general measure was decided upon. He thought the Bills might be allowed to go on, subject to any new legislation that might be subsequently agreed upon. As far as the railway interest was concerned, they would never oppose any suggestion of Government that really had the public interest in view.

Mr. HILDYARD said, he trusted that his hon. Friend (Mr. Bouverie) would agree to the clauses being struck out, and a clause introduced agreeing to any legislation that might hereafter take place.

Mr. WADDINGTON said, he hoped that on Thursday next all Members would look upon the question as an Imperial, and not a local question, and that all would be willing to give their assistance to Government with the object of making the new propositions as perfect and as useful as possible.

Mr. CARDWELL said, it was possible that he might introduce the Bill to which he had referred on Wednesday; but if he should not be able to do so on that day, he would introduce it on Thursday, with the intention of proposing the second reading on Monday next.

Mr. JAMES MACGREGOR said, he wished the right hon. Gentleman would take a voyage to France and learn how it was that railways there not only served the public well, but paid good dividends to the shareholders, without the mass of legislation that encumbered our system. In bringing forward his clauses the right hon. Gentleman was beginning at the wrong end. The effect of allowing Bills to stand over for only a few days was to cause an expenditure of many thousand pounds. No one knew better than the right hon. Gentleman the cost of these matters, and no one ought to be more anxious than the right hon. Gentleman to check such useless expenditure.

Lord JOHN RUSSELL said, his right hon. Friend the President of the Board of Trade would be ready to make his statement on Thursday next. He hoped, therefore, no objection would exist to postponing the Bill, and he trusted the noble Lord (the Marquess of Chandos) would not press his Motion.

The Marquess of CHANDOS said, on the part of the Company he represented, there could be no objection to the postponement; but it was represented to him that there were other parties seeking powers from Parliament, whose Bills would be materially prejudiced by postponement. Even though the second reading of the Bill of the right hon. Gentleman should be taken on Monday next, the Bills of those parties would be prevented from reaching the House of Lords before Easter, and would, therefore, be materially postponed. If the clauses in question were left out, there would be no prejudice to the Government or to the public, and that, in his opinion, would be the simplest way of dealing with the question.

Mr. WILSON PATTEN said, he thought that under the circumstances it would be advisable rather to postpone the consideration of the Bill than to strike out these clauses.

Mr. MANGLES thought, if there was a postponement at all, it should be a postponement until the Bill was brought in and discussed, but they should consider the great inconvenience that might arise from all the Bills now pending being delayed.

Lord JOHN RUSSELL said, that when his right hon. Friend had stated that he would introduce his measure, and suggested the postponement of the Bill under discussion, he did not see that any one rose to oppose the postponement. Sixty or seventy Members had left the House on the understanding that a postponement would take place, and he (Lord J. Russell) did not think it was a fair course to insist upon proceeding with the question before the House.

Mr. DISRAELI said, he thought the arrangement was an imprudent one; but when it was stated that a large number of persons were influenced by the understanding that they would not then proceed further, he would advise his noble Friend not to go against it.

The Marquess of CHANDOS said, he would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Further proceedings on Third Reading *adjourned* till *Monday* next.

MR. STONOR'S CASE—QUESTION.

Lord DUDLEY STUART said, he had put a question on the paper relating to the vexed question of the appointment of Mr. Stonor, and in putting that question he would move the adjournment of the House. Mr. Stonor had been appointed to a judicial situation in Victoria, but in consequence of certain proceedings in that House a short time since, the appointment had been cancelled. Mr. Stonor was charged with having been guilty of bribery at an election for the borough of Sligo, but he had sent in with his testimonials to the Government a printed paper containing his refutation of that accusation, and he accepted the office under the full impression that the Government were cognisant of the charge and were dissatisfied with the finding of the Committee reporting him guilty. It should be recollected that Mr. Stonor had surrendered his position in this country, which was one of profit and respectability, and he was recommended to the Government by persons whose recommendations carried the highest authority with them. Amongst them were Lord Denman, Lord Chief Justice Campbell, and Vice-Chancellor Stuart. Mr. Stonor had been put to the expense of upwards of 1,000*l.* in preparing for his removal to the colony, no outfit having been granted to him. He was now on his way to the colony, and if he were recalled he must be ruined, as well as those dependent on him. He (Lord D. Stuart) was the last man to wish to pass lightly over an imputation of bribery. On the contrary, he was of opinion that all persons reported by an Election Committee to be guilty of bribery ought to be prosecuted by the Attorney General. He had given a notice to that effect last Session; but it was very difficult for a private Member to get an opportunity of making a Motion, and the business of the House did not permit him to proceed. If that Motion had been made and carried, Mr. Stonor could be prosecuted, and, being prosecuted, it would be judicially proved whether he was guilty or not. There was a Motion on the paper for a Committee on the subject; and, as the despatch cancelling the appointment would leave the country in a few hours, he would close his observations with the question of which he had given notice, namely, would not the Government think it better not to send out such despatch cancelling the appointment until after the result of the Motion for the Committee?

Lord JOHN RUSSELL said, the noble Lord had commenced by saying he would make a Motion the effect of which must be to set aside the Order of that House that on that day Orders of the Day should take precedence of Motions; for if any Member could give notice of a question, and then make a Motion for the adjournment of the House, the Order would be of no effect. He was very glad that the noble Lord had contented himself with one irregularity, for certainly, if it were not supposed that he was going to end with a Motion, he would have received an interruption from the Chair in the course of his speech. He hoped the noble Lord would not repeat the course he had now taken. On the case which the noble Lord had brought before the House, there was a notice for a Committee; to that Motion the Government were quite ready to accede, so that all the circumstances relating to Mr. Stonor's recommendation to office might be known. That recommendation was made by an oversight on the part of an hon. Friend of his, who was not aware of the Report of the Election Committee with respect to Mr. Stonor; and though that gentleman's case might be thought one of very great hardship, he trusted that neither the intended Committee nor the House would say, after the decision of the tribunal appointed under Act of Parliament, that it was proper for Mr. Stonor to fill the judicial situation for which he was recommended. But the fact was that Mr. Stonor's appointment was not made here, but must be made in Victoria. What the Secretary of State did was to recommend that Mr. Stonor should be appointed in the colony to be a judge of that colony; and what he had stated was, not that he would cancel the appointment which he had not made, but that, when the appointment had been made in the colony, and came home for confirmation, he would not be able to confirm it. He (Lord J. Russell) could not but think that that was the proper course to be pursued, and he hoped it would be persevered in. He must, however, confess, that it would be a hardship on Mr. Stonor that, after having brought all the circumstances of the case fairly before the Government, his future prospects should be destroyed by a mistake such as that which had been committed in this instance. That was the only answer he could give to his noble Friend; but he hoped that, on Thursday next, a Committee would be appointed, by whom all the circumstances of the case could be investigated.

BRIBERY, ETC. BILL.

Order for Committee read.

Lord JOHN RUSSELL, in moving that the House should go into Committee on this Bill, said it would be convenient if the Bill of the hon. and learned Gentleman opposite (Sir F. Kelly)—the Bribery Prevention Bill—which stood third on the Orders, should be taken before the Controverted Elections Bill, because there was some relation between the two Bills to which he had just referred; and it was, therefore, desirable that they should be considered one after the other. He did not think that there were more than two or three clauses in his (Lord J. Russell's) Bill which interfered with that of the hon. and learned Gentleman, and these he should be quite ready to postpone until that measure had been considered.

Sir FITZROY KELLY said, he fully agreed that it would be more convenient if his Bill were allowed precedence of the Controverted Elections Bill. The clauses to which both Bills related were the 2nd and 3rd, imposing an oath against bribery, and his Bill would supersede the necessity of the 7th clause in the Bill of the noble Lord.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. VERNON SMITH said, he rose to propose that the Bill be referred to a Select Committee. If he was successful in that Motion he should afterwards make a similar one with respect to the Controverted Elections Bill and the Bribery Prevention Bill. He made the Motion, not with any intention to shelve this Bill, but in order to ensure its dispassionate consideration, and prevent the discussion upon it degenerating into a mere party debate or personal recrimination. The circumstances under which this question came before them were these:—Owing to the corruption which was shown before the Election Committees to have prevailed at the last election, a sudden spirit of hostility to the offence of bribery was aroused, and a Bill for its prevention was introduced by the right hon. Gentleman the Member for Midhurst (Mr. Walpole), in the last Session. He (Mr. V. Smith) regretted that the right hon. Gentleman had not re-introduced it in the present Session, but the noble Lord and the hon. and learned Gentleman opposite (Sir F. Kelly) had each brought forward a measure on this subject. There was also another measure, which was quite as important, with relation to the same subject—the Controverted Elections Bill; because to make the proceedings on controverted elections cheap and certain in their results would be the most effectual means of suppressing bribery. Now, these three Bills could not be considered together in a Committee of the whole House, because if during the discussion of one any Member referred to another, he would be immediately called to order by the Chairman. That, however, could be done by a Select Committee up stairs, which might come to some conclusion as to the best mode of suppressing bribery. This course would be at once most consistent with the convenience and honour of the House. The 10th clause of the Bill of the noble Lord (Lord J. Russell) created a perpetual forfeiture of the right of voting at an election, or of sitting in that House, upon lawful conviction of the offence of bribery; and by the Controverted Elections Bill a somewhat similar penalty would follow upon a report of bribery from an Election Committee. These provisions, therefore, showed the necessity of considering the Bills together. In the Bill of the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly) there was a provision for checking bribery by means of voting by papers. No mention was made of that in the Bill of the noble Lord, and yet he considered that it was a question highly deserving the attention of the House. There were other questions also raised by the right hon. Gentleman the Member for Midhurst in his Bill of last year, one of which was as to calling Members to the table of the House, and making a declaration that they had not been guilty of bribery, which was not touched upon by the Bill of his noble Friend, and yet was a question well worthy of the consideration of the House; so that it seemed to him impossible to consider the Bills apart. A most important topic, totally omitted in the Bill before the House, ought to be considered by a Committee upstairs, and that was the conduct of the legal agents of the candidates—those persons who were notoriously the highest criminals in the whole transactions of an election. They were the real promoters of the system of bribery and corruption practised in this country. But it was not proposed, either by the Bill of his noble Friend, or by that of the hon. and learned Gentlemen, to fine or punish them in any way. If the Bills were discussed in a Committee upstairs, they might have testimony as to these points from the officers of the House, which could not be had in a Committee of the whole House. He therefore considered that they were not in a condition to consider the Bills in the House, but that they ought to be considered in a Select Committee. His noble Friend had said that such a mode of proceeding would amount to nothing, because the Bills would, after all, have to be discussed by the House itself. But, surely, after the Bills had undergone the scrutiny of a Committee, they would be much fitter for discussion by the whole House than they were now, and legislation on the subject would be greatly expedited. He thought the honour of the House was concerned in taking the question of bribery into consideration without evincing any violence or enthusiasm on the subject. He believed that there prevailed an opinion out of doors that the strong feeling professed to exist in that House against bribery partook somewhat of hypocrisy, for the public heard of many Members being unseated by acts of their agents, but not by their own acts. Now, the public were not nice to discern the distinction between bribery being committed by the agents of candidates and bribery committed by candidates themselves. He did not believe that in the course of the present century there had been more than one or two Members convicted of wilful bribery. Would it, then, be possible to carry out a law inflicting permanent disqualification to sit in that House upon every man who had been reported by an Election Committee to have been guilty not even of personal bribery, but of bribery by his agents? It would clearly be a great hardship to disqualify for life a young man who might have been imprudent at the age of twenty-one, at his first election. Besides, although no doubt the influence of party feelings on Election Committees had been much diminished, there was still always three of one side to two of the other on an Election Committee, and it was possible that if party feelings were violently excited, this provision might be made use of in a very oppressive manner. It was too absurd to enact such a law as this, at the very time that they were admitting that the present penalty of 500*l.* against bribery could not be enforced, but must be mitigated. Besides, who was to be the prosecutor? Where would they find a man who would wish to disqualify a person from sitting in Parliament for life? He would warn hon. Members not to proceed with a violence which might hereafter recoil and defeat its object. It not only became the convenience but the honour of the House to proceed cautiously. A great deal might be done by candidates themselves to put an end to bribery. The House should remember as a caution in legislating upon this subject that they were not backed by any strong public opinion. No one, on reading the evidence before the Commissioners, could fail to be struck with the total apathy of the electors on this question, if they proceeded to legislate violently against this crime, before the public mind was awakened from the lethargy that now prevailed, their efforts would be unavailing. His noble Friend (Lord J. Russell) had drawn a distinction between bribery and treating, but it was one which could hardly be discerned; for, whether a man gave a voter a sovereign, or expended on him the same amount in guzzling, appeared to him to be a matter of very little difference. As to undue influence, that was the most difficult thing in the world to establish. No man could tell what was due influence. These considerations ought to teach the House to pause before they proceeded rapidly in the discussion of these Bills. Therefore, he proposed to the House to refer the present Bill to a Committee upstairs, and also the other Bills he had mentioned, to the same Committee, where they might be consolidated, in order to put an end to a system which had become revolting to the mind of the whole country.

MR. DEEDES, in seconding the Motion, said, that ever since the introduction of these measures he had felt great difficulty in seeing how they were to be dealt with. No hon. Gentleman who had sat upon any Election Committee could have failed to perceive the extent to which the evil to be dealt with by these Bills had recently spread, or to recognise the necessity of putting an end to this state of things as soon as possible. He believed that if the Select Committee was fairly and properly formed, if the subject was properly placed before them, and if they discussed it with a determination to make the measure as perfect as possible, the House would afterwards apply themselves to the subject with greater advantage than if they now proceeded to discuss it. As it was desirable to give the best possible consideration to this Bill, he hoped that the noble Lord would accede to the Motion of the right hon. Gentleman.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"—instead thereof.

LORD JOHN RUSSELL said, he felt disappointed at the course taken by his right hon. Friend (Mr. V. Smith); for, if the Motion which he had made where successful, it would be equivalent to postponing the Bills to another Session. There would be no practical difficulty in considering the Bills in the way in which he had proposed. The hon. and learned Member for East Suffolk had pointed out that two or three clauses in two of the Bills referred to the same subject; and that the 7th clause in the Bribery Bill, relating to the appointment of agents, had reference to the same subject as treating in his Bill. His right hon. Friend (Mr. V. Smith) was quite correct in saying that it would be inconvenient to discuss provisions of that kind in detail in the whole House. But he was ready to postpone every one of the clauses to which his right hon. Friend had referred until they had gone through with the other clauses, when he should move that the Chairman should report progress, so that they might proceed to consider the provisions of the Bill of the hon. and learned Gentleman (Sir F. Kelly). In the clauses to his Bill there were several subjects which were also contained in the Bill of the hon. and learned Gentleman; but they were separate, and the House could have no difficulty in dealing with them. His right hon. Friend near him (Mr. V. Smith) said that there were several suggestions not in either of the Bills, and that suggestions made by competent persons might be introduced. The House should consider what a large field that would open up. His right hon. Friend objected to many of the provisions in his Bill; but, if they were referred to a Select Committee, it could not be expected that every Member of the Committee would agree with the right hon. Gentleman, because on this subject so many of the Members of that House had settled opinions. There would, therefore, be all the provisions at present in the Bills—all the provisions of which he disapproved, more especially, as well as those provisions which might be suggested—all would have to be considered, so that they could not hope to get their Bills back from the Committee till late in May or the middle of June. The discussion of these Bills after that in the whole House, in which were so many Members well informed with the proceedings of Select Committees, would, no doubt, take considerable time, and would not be completed till a very late period of the Session. It was well known that Bills sent up to the other House at a late period were in great danger of being put aside. The real question, however, was, whether the House was disposed to entertain these Bills. His right hon. Friend said that there were several propositions in them to which he entertained objections. The House, in Committee, could entertain these objections. If the penalty for bribery was thought too severe, that surely was a question which the House could consider in Committee of the whole House, and which the House might also afterwards consider and decide. In going through the Bill of the hon. and learned Gentleman opposite, he thought that the House was competent to deal with it, and that there would be no practical difficulty in proceeding with the Bills. On the other hand, if the Bill was sent to a Select Committee, he should not be able to attend that Committee, and could only deal with it when it came back to the House. For the reasons which he had assigned, he hoped that the House would consent to go into Committee upon the Bills under consideration. The provisions of the existing laws with reference to bribery were tolerably well understood. He proposed to consolidate those laws; and with respect to the alterations in them which he sought to introduce, he was of opinion that the House was perfectly competent to arrive at a sound decision, and by that decision he was perfectly willing to abide.

MR. WALPOLE said, it would be remembered that he had upon a former occasion asked the noble Lord whether he did not deem it advisable that the Bills before them should be referred to a Select Committee. The noble Lord had then expressed his unwillingness to take that course upon the ground that it would tend to postpone the consideration of the Bills on the part of that House to too late a period of the Session. He (Mr. Walpole) had then been of opinion that great advantage would result from the plan which he had suggested, but he nevertheless felt bound to say, that after what had fallen from the noble Lord that evening he had come to the conclusion that it would not be desirable that the House should give its assent to the Motion of the right hon. Gentleman the Member for Northampton. The passing of the Bills in question might, as the noble Lord had observed, be postponed to next Session, if they should now be referred to a Select Committee, and he (Mr. Walpole), for one, should not wish to give his approval to a course which would appear to have for its object the postponement till next Session of those Bills. But for that, he would have been of opinion that great advantage would arise from a full discussion of this subject before a Select Committee. On the whole, however, he thought it would not be advisable to press the Amendment, and that for several reasons. The first and strongest reason was that which the noble Lord had given last—that he would not be able to attend that Committee. Considering the active part which the noble Lord had taken in all measures that had passed of late years for the prevention of bribery and corruption, he thought that any consideration to which these Bills might be subjected, if the noble Lord were left out, would not be satisfactory to the House. Then with regard to another objection of the noble Lord, he must say that, for his part, he should be unwilling to do anything to prevent a good measure from passing this Session, and still more unwilling to introduce into the Bill any objectionable matter which might bear the stamp of a party character. A third reason was, that he thought the noble Lord had taken the fairest possible course in proposing that the Bill of his hon. and learned Friend (Sir F. Kelly) should be brought on second, and in proposing to postpone the controverted clauses in his own Bill till the Bill of his hon. and learned Friend was considered. The right hon. Gentleman the Member for Northampton had adverted to a measure for the prevention of bribery which had been introduced by him (Mr. Walpole) last year, and had expressed his regret at its not having been brought before the House during the present Session. The reasons why he had abandoned that Bill were perfectly well known to the noble Lord, who had stated last year that the Government were about to introduce a Bill for the suppression of bribery and corruption, and who had asked him whether he might make use of the suggestions which the consideration of his (Mr. Walpole's) Bill might afford. He (Mr. Walpole) deeming that a measure of that character could be dealt with more successfully by the Government than if it were to be introduced by himself, had, of course, assented to the proposition of the noble Lord, and he was sure the House could not fail to be of opinion that in doing so he had taken that course which, under the circumstances of the case, it was most advisable to adopt.

Colonel SIBTHORP said, he had as much objection to bribery as any person in that House, but after being a Member for six and twenty years, he was still unable to understand what bribery really and truly was. The noble Lord in one of his Bills had attempted to define it, but he (Colonel Sibthorp) did not subscribe to that definition. The Bill was neither more nor less than an attempt to prevent a humble individual like himself from doing that which it was his duty to do in the station in life in which he was placed, and which he owed to those who sent him there. That which the noble Lord railed against so much was done every day by those who had the honour to sit upon the Treasury bench. It was but the other day that the noble Lord—the pure Lord—the spotless Minister of the Crown, chose to give an appointment to a gentleman against whom it had been decided by a Committee of that House that he had been guilty of bribery. There was a pretty specimen of the purity of the Treasury bench! Thank God, he had no seat there! He thought that, as the Ministers were going to war, they would have had their hands full without engaging in matters of this kind. But it now appeared that they had been asking the aid of the right hon. Member for Midhurst (Mr. Walpole). There was a kind of understanding which he did not understand between the Tory and the Radical bench. He protested against these proceedings altogether. There was the whole amount of the secret service money to be disposed of by Ministers in bribes, while if a candidate offered a glass of wine to an elector, if this measure passed, he would never be allowed to sit again in that House. Talk of the cruelty and oppression of the Emperor of Russia! Why, the Emperor of Russia would never oppress any one so much as the noble Lord proposed to oppress the poor voter, who, though not a lord, was perhaps as good as himself. He would oppose going into Committee; and if unsuccessful in that, he would oppose the Report; and he would also oppose the third reading of the Bill.

Mr. PHINN said, he regretted that the noble Lord was against referring these Bills to a Select Committee. He (Mr. Phinn) was aware that the strongest reason against taking that course was the personal one; in every other point of view he considered that it would be preferable to consider the question in a Select Committee. The Bill now before them proposed to repeal wholly or in part no fewer than ten Statutes, but many of the clauses which had given rise to questions of the greatest difficulty and nicety were still retained in the new Bill. Thus, in the section relating to treating, the noble Lord had taken clauses from the Statute of William, and the 5 & 6 *Vict.*, both of which had raised many nice points, and had welded them together. The Committees of that House had given varying decisions upon these Statutes, the Committee which sat last, upon the Dungarvan Election, had interpreted them with more strictness, perhaps, than any former Committee, and he believed that no lawyer would venture to interpret those Statutes. But the noble Lord re-enacted them almost verbally. Now, what the House wanted was, as he thought, to have an opportunity to review those decisions, to see where they conflicted together, and then to come to a clear and plain conclusion; and that, he thought, could only be done in a Committee upstairs, where, though they could not obtain the attendance of the noble Lord, they might have the assistance of the two highest authorities next to him—he referred to the late and the present Attorney General. But the noble Lord said if they referred the Bill to a Committee upstairs it would endanger its passing this Session. Now, he would remind the House that when this Bill went to another place it would be sure to be subjected to a Select Committee, if that were not done here; for it was well known to be the invariable practice of the other House, whenever a measure came before them repealing other Statutes, to send it for consideration before a Select Committee.

Mr. PIGOTT said, he hoped the noble Lord would persevere in his resolution not to send the Bill before a Select Committee. The House could never be better prepared to discuss the question than they were at present, and the fact of the noble Lord's inability to attend the Committee was itself decisive of the question. Every hon. Member who had watched the proceedings of the Election Committees of last year must have felt the necessity of immediate legislation on this subject, and it would be matter of great regret if the House did not show that it was in earnest in its endeavours to put down bribery and corruption.

Mr. VERNON SMITH said, he would leave the question in the hands of the House.

Mr. ROLT hoped the right hon. Gentleman would persevere in his Motion. He had listened with great attention to the speech of the noble Lord (Lord J Russell), but he had not touched the real point of the question, which was, whether this Bill would be better discussed before a Select Committee or a Committee of the whole House. Referring the Bill to a Select Committee would not stop the passing of it this Session; but suppose it did, the question remained whether they should have a bad Bill this Session or a good one the next. It was proposed to repeal ten Statutes which had proved inadequate to their purpose; and this, he thought, ought of itself to be a warning to them against crude and hasty legislation.

Mr. I. BUTT said he thought the observations which had been made by the noble Lord the Member for the City of London upon the subject under their consideration did not at all apply to that which was the real question for their decision—namely, whether the Bill would be likely to be made more efficient by being submitted to the deliberation of a Select Committee, than it could possibly be by being merely discussed in that House? If the Bill were even to be postponed to next Session, in consequence of its being referred to a Select Committee, he was of opinion that that circumstance would not afford a sufficiently good ground for refusing to take, with regard to it, the course which was advocated by the right hon. Gentleman the Member for Northampton. It would be much better, in his judgment, to pass a good Bill next year for the prevention of bribery, than by hasty legislation to enact an imperfect and inefficient measure during the present Session. For these reasons he should support the Amendment.

Mr. NAPIER said, he would have had no objection to send the Bill to a Select Committee; but as the noble Lord was opposed to that course, he would not offer the least obstruction to the arrangements of the Government. It was true that ten Statutes were proposed to be repealed, but only two or three of them referred to the principal subject under discussion. The proceedings at the Dungarvan Election Committee, of which he was Chairman, had been referred to in connection with the stringency of the construction he had put upon the 5 & 6 *Vict.*; but he had the happiness to say that one of the highest legal authorities had confirmed him in the view he took of that Statute.

Sir HENRY WILLOUGHBY said, he hoped the right hon. Member for Northampton would press his Motion, which he would support on this ground, that if they once got into Committee on this question they would never get out. If they were to proceed, he wished to ask the noble Lord this question—what should he mean by the oath proposed in the Bill, that an elector was to swear he had not asked or received, directly or indirectly, any office, place, or employment? Did he mean to say that no Government was in future to give office for political reasons? If so, how far was that to extend? If there was to be an examination for all sorts of civil officers, then let the House know distinctly how far it was to be carried out.

Mr. CROSSLEY said, he did not believe that any very good results would follow from the enactment of any of the three Bills which they were asked to consider in Committee. The Government, he felt assured, must finally arrive at the conclusion that the only real remedy for bribery and corruption was to be found in the ballot.

Mr. PACKE said, he should support the Amendment. There was one clause in the Bill of the noble Lord (Lord J. Russell) which related to treating, and with reference to that particular subject he should take the liberty of suggesting that it would be highly advisable that during the hours of polling at elections restrictions should be laid upon the sale of intoxicating liquors in the localities in which those elections were taking place.

Lord HOTHAM said, he should vote for the Motion to refer the Bill to a Select Committee. He thought that, according to the noble Lord's definition of bribery, every one of his Colleagues must be open to that charge every day, although the noble Lord himself might escape, as he held no office. There was generally what was called a "Patronage Secretary" connected with a Government, and it was perfectly notorious that out of ten pieces of patronage which a Government disposed of nine were, and must always be, disposed of for political purposes. There was a paragraph in Her Majesty's Gracious Speech at the commencement of the Session to the effect that an entire alteration was to take place in the appointment of persons to civil offices, and that paragraph was interpreted by a publication which was generally considered to be the official organ of the Government to mean that political patronage was henceforth entirely to cease, and that the Government intended to throw all patronage open to public competition. It had occurred to him that the definition of bribery contained in this Bill had been framed in reference to that intention, but it had since been stated by a noble Lord in another place that the Report of the Commissioners upon the subject of patronage was not to be abided by, but only to be adopted in part, and that it was not true that the whole patronage of Government was to be thrown open. If that were the case, when this Bill was passed every one of the noble Lord's Colleagues must be perpetually violating the law. The matter was of so complicated a nature that it could not be satisfactorily investigated otherwise than by a Select Committee. The great objection to that course was the inability of the noble Lord to attend a Committee, but, as he was not now burdened with the duties of an office, he hoped that if a Committee should be appointed the noble Lord would find time occasionally to give it his valuable assistance.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 146; Noes 76: Majority 70.

Main Question put, and *agreed to.*

House in Committee.

Clause 1 (repealing the several Acts enumerated in the Schedule) *agreed to.*

Clauses 2, 3, and 4 (relating to the Bribery Oath to be taken by the voter) *postponed.*

Clause 5 (defining what persons should be deemed guilty of bribery).

Mr. WALPOLE said it seemed to him that that clause would bring within the offence of bribery cases in which no bribery had in reality been committed. It would make it an act of bribery to give, or procure to be given to a voter, any place, office, or emolument, although the gift might have been made irrespectively of any vote at an election. He would propose that that portion of the clause should be amended by the addition of the following words:—

> "With intent to induce any voter to vote, or to refrain from voting, at any election, or on account of any such voter having voted or refrained from voting."

By the insertion of those words the penalties of the law would only attach where a gift was made to a voter with a criminal intention. There was another point on which it seemed to him that the measure would require to be amended. By one of its clauses they would repeal the 5 & 6 *Vict.* c. 102, which declared that the giving of head-money should be deemed bribery, and he did not find that by any subsequent provision in the Bill they would supply the place of that Statute. There was a third defect, as he considered, in the measure. By a former Act of Parliament it was provided that a candidate should not give any place, office, or emolument to the "kindred or affinity" of a voter, with a view to influence his vote; but that provision was omitted—and, in his opinion, improperly omitted—from the Bill then under their consideration.

Lord JOHN RUSSELL said, he thought that the first objection of the right hon. Gentleman was met by those words in the clause which made the giving of a place to be an offence when the voter was "about to vote." With regard to the giving of head-money, it was proposed that by a subsequent provision that practice should be declared to be bribery. And finally, with reference to the third point to which the right hon. Gentleman had adverted, he had to observe that both he and his hon. and learned Friend the Attorney General had not thought it advisable to introduce into that Bill the words "kindred or affinity" contained in a former Statute, because they considered that they would by that means be adopting a useless distinction, inasmuch as other parties might be able to influence a voter quite as powerfully as his immediate relatives.

Mr. VERNON SMITH said, he wished to know the meaning of the words "authorised in that behalf?" The clause said, "every person who shall directly or indirectly, by himself, or any other person authorised in that behalf." Many persons had been deemed guilty of bribery through their agents from particular circumstances; but surely these words meant some person directly authorised by the candidate, in which case there would be great difficulty in proving bribery. It was most essential that the clause should define who was an agent, and also the meaning of his being "authorised in that behalf."

Sir FITZROY KELLY said, he could not think it was the intention to include the case of agents in this clause. The intention of the clause, as he understood it, was to render persons punishable criminally who committed the offences here provided against. It would, however, be much clearer if the words were "authorised by him in that behalf"—that was, by the candidate.

The SOLICITOR GENERAL said, that this clause was what might be called the criminal clause. It was not intended to apply to cases of constructive agency, which had caused such great anxiety and some opprobrium. Criminal punishment should only be attached where there was a directly criminal intention, and therefore he considered the clause rightly worded. The agent must be an agent to commit the offence. The object of the clause was to strike at the *malus animus*. Unless there was a *malus animus*, there would be no offence.

Mr. G. BUTT said, he should support the view which had been taken by his hon. and learned Friend the Member for East Suffolk (Sir F. Kelly). The hon. and learned Solicitor General had stated that the words "by him (the candidate) authorised" were implied, but why leave to implication what might be so easily expressed?

Colonel SIBTHORP said, that these Bills were claptraps in every sense of the word, and he should oppose all three. He pronounced them to be full of subtlety, fraud, and danger.

Mr. PHINN said, he understood that the object was to distinguish between such an agency as was sufficient to unseat a Member and such as should involve him in a criminal charge. Why not retain the words of the old Act, "any person employed by him" (the candidate)?

Mr. I. BUTT said, that as the clause stood, it was clear that the agent must be a person directly authorised to commit the crime of bribery; and it was quite proper that it should be so, because it would be monstrous that an agent appointed for ordinary purposes should subject a principal to a criminal offence. At the same time care should be taken, in confining the criminal offence within proper limits, not to alter that wholesome law which unseated a Member on the ground of bribery committed by his agent.

Mr. WALPOLE said, that the clause was most ambiguous. He did not think the meaning of the words, "on account of such voter having voted, or refrained from voting, or being about to vote, or refrain from voting," was quite clear.

The SOLICITOR GENERAL said, he would propose to omit the words "or being about to vote or refrain from voting."

Mr. AGLIONBY thought it was better to leave the clause as it stood.

Mr. MALINS said, it appeared to him that by the clause as it stood a Member would be subject to the penalties of bribery who had procured a place for a voter two years after the vote had been given, though no promise of place or reward had ever been made.

Lord JOHN RUSSELL said, he would refer the hon. and learned Member to the words in the 40th line, namely, "in order to induce such voter to vote."

Mr. I. BUTT said, that if it were only intended to confine the penalty of bribery to a person who had induced a voter to vote or refrain from voting, the clause was downright absurd, for in another portion it declared that a man would be guilty of bribery if he had conferred any advantage upon the voter after the party had voted.

Sir FITZROY KELLY thought that the clause required alteration so as to make it intelligible. He would also suggest that some more comprehensive words should be introduced than the words " on account."

Mr. NAPIER said, that the words found in the 5 & 6 *Vict.* were much more intelligible than the words referred to. The words used in the former Act were, " for the purpose of corrupting any voter."

Mr. G. BUTT recommended the postponement of this portion of the clause, with a view to its further consideration.

[After a few words from Mr. I. Butt, it was understood that this portion of the clause was to be postponed for further consideration.]

Lord HOTHAM said, it appeared to him the clause was a great deal too undefined. As it struck him, a candidate giving any valuable consideration of any kind whatever to a person who had exerted himself to procure his return, might be deemed guilty of infringement of the Act. Thus, for example, a Minister of the Crown who might happen to give a place to a person who had taken an active part to secure the return of that Minister, might be held to be thereby committing an act of bribery. He thought some explanation ought to be given on that point.

Lord JOHN RUSSELL said, that the Act of George III., which declared the existing law, went even further than the measure now before them proposed to do; for the introduction of the word " corruptly" very much diminished the stringency of the present law, and would explain away the difficulty raised by the noble Lord.

Lord HOTHAM said, he agreed that the introduction of the word " corruptly" might be of service in removing his difficulty if the questions raised under the Act were to be decided before a uniform tribunal, such as the law courts; but, as their decision would rest with Committees of that House, which were not constructed upon any uniform principle, the case was quite different.

Mr. G. BUTT said, he must maintain that the Bill went a great deal further than the 49 *Geo.* III., and he apprehended that the introduction of the word " corruptly" would not in any way affect the clause at all, and, therefore, the objection of the noble Lord (Lord Hotham) still remained.

The SOLICITOR GENERAL said, the Committee should remember that they were dealing with a penal clause, and, therefore, the decision on such questions would not rest with that House. The third clause pointed out that any one infringing the Act would be liable to a penalty of 100*l.*; now it was not within the province of that House to punish cases of misdemeanor, and, therefore, the word " corruptly " would be construed uniformly.

Mr. G. BUTT said, he was very much surprised to hear his hon. and learned Friend say that only the courts of law could take cognisance of questions arising under this Act. The clause now before them defined bribery, and if a candidate bribed, a Committee would have to consider what was bribery; and therefore the duty of construing the clause would devolve equally on them as upon a court of law.

Lord HOTHAM said, he really wished to know whether a Member of Her Majesty's Government who conferred an office of any kind upon a person who had supported him at an election, would come under the definition of bribery, as specified in that Bill?

The SOLICITOR GENERAL: Yes, if it was done corruptly.

Mr. HENLEY said, he thought that the Bill would make out any one guilty of bribery who employed an agent. They ought to have the meaning of the word " corruptly " strictly defined.

Mr. ROUNDELL PALMER could not see how mere agency could be included under the provision of the Act—that point was regulated by the Act of George III.

Mr. HENLEY: Yes; but you are now re-enacting, and therefore your definitions ought to be more precise.

On the Motion of Mr. Walpole, words were introduced into the clause providing that persons committing the offences therein described should be deemed guilty of misdemeanor.

On the concluding paragraph of the clause, which provides that any person by whom it is violated shall be liable to forfeit the sum of 100*l.* to any person who shall sue for the same, together with full costs of suit.

Mr. WALPOLE proposed that the fine under the Act shall not exceed 50*l.* instead of 100*l.* Their object ought to be not to punish pecuniarily, but to inflict upon parties infringing against the Act such a punishment as would operate to prevent their voting again. Besides that, there were many cases where a fine of 50*l.* would be recovered, when it would not be attempted if the penalty were so high as 100*l.*

Mr. MASSEY said, he thought it would be better to omit the pecuniary penalty altogether, and punish the party for a misdemeanor at common law by imprisonment. The old penalty of 500*l.* had been practically inoperative, and he believed the penalty now proposed would be equally so. If an agent should be convicted in such a penalty the candidate would feel himself bound to pay it, and it would, in fact, be considered a part of the election expenses. The punishment of imprisonment, on the contrary, would be inflicted on the really guilty party, the corrupt agent, and would be more effectual than any pecuniary penalty.

Mr. WALPOLE said, he would not press his proposition.

Mr. PHINN said, he would suggest that a proviso should be inserted at the end of the clause, giving costs to any person who might prosecute to conviction.

The SOLICITOR GENERAL said, the suggestion was an exceedingly valuable one, and he was himself desirous of adopting a proviso of the sort with a view of overcoming the disinclination which now existed to bringing forward charges of misdemeanor in matters of this kind.

Mr. HENLEY hoped the hon. and learned Solicitor General would well consider the subject before he made up his mind to adopt the suggestion of the hon. and learned Member for Bath (Mr. Phinn). Such a proviso would act as a temptation to parties to institute proceedings. They would go on with the prosecution without risk to themselves, and the public would have to pay all the costs. [The Solicitor General: Not the public.] Then he hoped the hon. and learned Gentleman did not mean to throw the costs on the counties; for one or the other, the public or the counties, must bear them. The proviso would operate in this way also—that parties would institute a prosecution, and then, after proceedings had been carried to a certain extent, endeavour to effect a compromise.

Mr. I. BUTT said, he would recommend that such prosecutions should be conducted at the instance of the Attorney General.

Mr. PHINN said, that in all cases of misdemeanor the costs were at the discretion of the Court, who, if they saw that the prosecution was not properly carried on, withheld them. With that protection he thought the public interests were sufficiently guarded.

Mr. I. BUTT said, he must contend that the defendant should be bound to pay the costs, and that to make them payable by the county would be a most serious objection to the clause.

Mr. PHINN said, he merely proposed to place the misdemeanor of bribery on the same footing as other misdemeanors.

Clause, as amended, *agreed to.*

Clause 6 (further defining bribery),

Lord ROBERT GROSVENOR said, he begged to ask the noble Lord whether there were in the definitions of bribery in this Bill any words which made illegal the payment of travelling expenses, which in his experience had often been made the means of corrupting electors? He saw no reason why a candidate should pay either these expenses or those of the hustings, and thought that if they were not included in this Bill of the noble Lord the measure would be very incomplete.

Lord JOHN RUSSELL said, such expenses came properly under the head of expenses paid by the agent, and the matter would be dealt with either in this Bill or in the Bill of the hon. and learned Member for Suffolk.

Mr. WALPOLE said, he wished to call attention to the latter portion of the clause, which declared it to be a misdemeanor to ask for, receive, or accept of any reward, office, or place on account of having voted at the last election. Supposing some supporter of the noble Lord the Member for the City of London asked for a place to be given him which he was quite competent to fill, as he (Mr. Walpole) read this clause, if the person so asking the noble Lord for such place or employment did so within a year after the election had taken place, he would be liable to the penalties of bribery, and be disqualified from ever voting again for the whole of his life.

Colonel SIBTHORP said, he could assure his hon. and learned Friend that it was not a very difficult thing to find out who wanted a place. A wink was as good as a nod, and though he had no hesitation in saying that there were persons on the Treasury bench who were anxious to serve their country, and for whom he entertained the highest respect, yet he repeated that a wink was as good as a nod, and he had known cases in that House where not only a wink had been given, but also a nod. The whole of these Bills were intended for neither more nor less than to undermine the fair and legitimate influence of the possessors of property, the aristocracy of the country, and to keep the noble Lord the Member for London in place, surrounded by his creatures and satellites.

The SOLICITOR GENERAL said, his present impression was, that the words had better be left out.

Mr. AGLIONBY said, that there was as much *malus animus* in asking for a place as in obtaining it. He thought that this clause would have no effect, as you would never be able to obtain a conviction under it. When a Member of Parliament asked for a place, it was always for some one who had befriended him; but it would be impossible to prove that the place was asked for on account of the person for whom it was sought having voted for the applicant. If they sometimes did prove it, the mischief would be still greater, for one man would be convicted while one hundred and fifty would escape. The clause appeared to be a frightfully stringent one, but after all it really amounted to nothing, because they would never be able to convict under it.

Mr. HILDYARD said, he wished to know if Her Majesty's Government were prepared to say that the enormous patronage at their disposal was hereafter to be dispensed honestly, sincerely, and truly, without regard to the mode in which the person who received it had voted? If the right hon. Secretary to the Treasury (Mr. Hayter) would enter into that pledge—if any Member of the Government would say that it was prepared to instruct that right hon. Gentleman so to deal with the patronage, let the Committee by all means pass the clause. It was a matter of notoriety throughout the kingdom that Government patronage was invariably dispensed to the supporters and friends of the Government, be it of what party it might. How, then, could they declare that it should be a misdemeanor to ask for, receive, or accept place or office on account of the person having voted at the last election?

Mr. MALINS said, the clause held out a flattering prospect to that (the Opposition) side of the House. The place of the Secretary for the Treasury would henceforward cease, and the noble Lord (Lord J. Russell) would not only be obliged to dispense his patronage equally to all parties, but, lest his motives should be misconstrued, he would be bound to turn his back on his own friends, and give everything to the Opposition.

Colonel SIBTHORP said, that during the twenty-six years he had been in that House he did not know that he had ever asked any place for any person; but he, opposing the present Government, had always received every courtesy from them. He would always pursue an independent course.

Lord JOHN RUSSELL said, that the object of the Bill was to consolidate and amend the laws relating to bribery. Hon. Gentlemen had spoken as if he had introduced a Bill which, for the first time, inflicted penalties on persons for receiving bribes by money or employment, forgetting that there were at present on the Statute-book laws of this description. The chief object of the clauses under discussion was to reduce the 500*l*. penalty, imposed by the Act of *Geo.* II., to 100*l*. It was true that some of the words of the clause went beyond the existing law; but was the House prepared to repeal these laws, and assert that there ought to be complete licence in transactions of this nature? He was prepared to reconsider the wording of the clause if it was now agreed to; but he did not think the clause could be made to apply to a person who merely said to a Government candidate returned that he was qualified to fill an office, and asked that one should be conferred on him. He did not think, however, that an election should be a scene where votes should be sold for money. The object of the Bill, he must repeat, was to consolidate the law, and make it clear to the country.

Mr. DISRAELI said, there were some laws which it would be better to repeal altogether than to consolidate. He thought, however, that by leaving out the last two lines of the clause many of the objections would be got rid of. By omitting the words "on account of having voted or refrained from voting at any election," one difficulty would be met.

Sir WILLIAM CLAY said, he thought that a simple remedy for bribery would be to make the constituencies larger.

Mr. WALPOLE said, he would remind the hon. Baronet that between 1833 and 1853 the elections declared void had been chiefly those of the larger boroughs. A return which he held in his hand showed that of seventy-six elections declared void in England and Wales, twelve places had less than 500 electors, a great number between 500 and 1,000, and that twenty-two had above 1,000 electors. Since 1853 the elections told the same tale, and it would be well for the hon. Baronet, when the Reform Bill came on, to remember that it was the large and not the small constituencies in which these practices were principally proved.

Sir WILLIAM CLAY had meant to refer to applications for places, and not to bribery.

The SOLICITOR GENERAL said, in reply to the suggestion of the right hon. Member for Buckinghamshire (Mr. Disraeli), he would be willing to alter the phraseology of the 6th section to make it correspond with the first part of the 5th section.

Mr. BOOKER said, as a plain country gentleman and a county Member, he felt bound to denounce this Bill as the most flagrant piece of humbug he had ever seen. He would move that the Chairman report progress.

Mr. V. SCULLY said, he thought this and the last clause were so valuable that they ought to be printed in letters of gold, if it were only for the purpose of being sent as a circular to every elector who made application to his Member for a place.

Lord JOHN RUSSELL said, it would seem that the hon. Member for Herefordshire (Mr. Booker) desired to uphold bribery. He trusted that, as the clause had been fully debated, it might be agreed to, as it would be open to modification on recommittal.

Mr. DISRAELI said, he would consent to the passing of the clause on the understanding that another opportunity would be afforded for modifying it.

Mr. BOOKER said, he must repudiate the insinuation that he would abet bribery. He protested against a system which would make the constituency, and not the candidate, responsible for the bribe.

Mr. HENLEY said, he should like to see the Bill referred to a Select Committee.

Lord CLAUD HAMILTON would suggest the postponement of the clause, as it was admitted by the noble Lord that an important modification was contemplated in the measure. To press it would be like hasty legislation, under these circumstances.

Lord JOHN RUSSELL said, he had passed several Bills of great importance in the same manner.

Mr. WHITESIDE said, it was preposterous on the part of the Government to press a Bill on which they had not made up their own mind.

Mr. I. BUTT said, the proceedings of the evening were of a most remarkable character. First, there was the postponement of the preamble, then the passing of the first clause, repealing several Acts of Parliament, of which he believed not five Members of the Committee knew anything—then the postponement of three other clauses, and the passing of the fifth *pro formâ*, with an admission that every line of it must be altered. The clause now under consideration — making it a misdemeanor to ask for a place in consideration of having given a vote—must have been framed by some Member with a large constituency, and some Government influence, who was determined to punish his constituents for asking him for places too frequently. It was hardly to their credit, as a representative assembly, that clauses should be thrown on the table in such a shape, to be passed as a matter of form. He would therefore suggest a postponement for a week, and a mature consideration of all the provisions of the Bill.

Mr. WARNER said, he considered it would be much better to refer the Bill to a Select Committee, as had been proposed, in conjunction with the other two Bills on the same subject.

Mr. BOOKER trusted that the noble Lord (Lord J. Russell) would see the sense of the Committee was against him, and would spare him the necessity of pressing his Motion to a division.

Lord JOHN RUSSELL assented.

House resumed; Committee report progress.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 4, 1854.

MINUTES.] PUBLIC BILLS.—1ª Metropolitan Building Act further Amendment; High Treason (Ireland).
2ª Bills of Exchange.

BILLS OF EXCHANGE BILL.

LORD BROUGHAM, in moving the second reading of this Bill, said he was sorry to have to bring before their Lordships so dry and technical a subject, but it was one of very great importance, and well deserved their consideration. It was probably known to their Lordships that in Scotland there had prevailed for upwards of a century and a half a most admirable system, one which was not only of the greatest benefit to suitors on bills of exchange in that country, but to all merchants, traders, and others engaged in commerce there. When a party in England or Ireland held a bill of exchange or a promissory note, although there might be no doubt whatever of the genuineness of the signature of the acceptor, the drawer, or the endorser, although there might be no flaw in the instrument itself, or in the title of the holder, still, in case of such a bill being dishonoured, the holder must obtain a verdict and judgment after a trial, in order to have execution—it was necessary for him to go through all the forms and proceedings of an action at law for the purpose of enforcing his right and obtaining a remedy. In 999 cases out of 1,000 there was nothing like a legal defence against such actions, because the drawer, the acceptor, or the endorser, by signing their names, admitted their liability, and there could be no defence against such an action, unless it could be proved that a forgery had been committed, or that the instrument itself had been altered in its character, or that it had been obtained by unlawful means, and that the holder was cognisant of the illegality, if he had taken it before maturity. Scotland was far better off than we were in this particular. In this country, a party holding a bill incurred all the risks of the delay of the law, and incurred the expense of legal proceedings, and very often it became quite uncertain whether he would recover the money at all; for he might be stopped by legal quibbles and niceties for awhile, and a considerable delay often occurred before he could obtain judgment, and a further delay before execution issued; while in the interval between the accruing of his right and his ability legally to enforce it, the party he was suing might become insolvent, so that instead of obtaining 20*s*. he might not obtain 1*s*. in the pound. Although he was a *bonâ fide* creditor, he might be excluded; various means of disposing of the property might be resorted to, in not a few cases the goods and chattels of the debtor being actually carried away while the proceedings were pending. In Scotland, the mode of procedure with respect to bills of exchange was otherwise, and as they considered that by assimilating the trading and mercantile laws of the two portions of the United Kingdom very great improvement might arise in Scotland from adopting our system of jurisprudence, so, in some particulars—and this was one of them—he considered we might, with great advantage to ourselves, take a leaf out of their book, and import from Scotland the great improvement in its mercantile law with respect to bills of exchange. The manner in which they proceeded in Scotland was this:—Within six months after the dishonoured instrument became due, the protest was required to be registered, and if it were within that period of time recorded on the register, there was no necessity to bring an action, the notarial protest itself in effect giving the holder immediate judgment against any of the parties liable on the bill or note, an extract being given to the holder so registering the protest, and this containing a warrant of the Court for execution against the debtor on six days' service of notice. If the party from whom payment was sought had a good defence, he had ample opportunities given him of proving it; and, in that case, he went through a form of proceeding termed a "suspension," which meant an application to stay the process of the law either altogether, if he were really not liable and ought not to have been called upon to pay the money, or to suspend it until it was clearly ascertained whether he was liable or not. He had to apply to a Judge, who at once examined into the grounds alleged for staying execution, and if they were such as would be insufficient at law, the petition was at once dismissed. When the grounds, however, were such as, if proved, would entitle the debtor to resist payment, the prayer of the petition was granted, and execution stayed till the grounds of the suspension were discussed, when both parties were allowed the opportunity of deliberately making good their pleas and averments; and upon the proof and argument thus submitted the Court finally determined whether execution should issue or not. The result of the system was, that there were rarely any contests upon bills themselves; for upon the facts that were then adduced depended mainly whether the holder or the debtor upon the particular bill would succeed. But, in such cases as those there was a discretionary power given to the Court or Judge as to requiring security; for, wherever there was reasonable ground for supposing that the holder of the bill was right and the other was wrong, or had no real defence to the action, security was given by bond to the holder of the bill to the amount not only of the debt, but the costs of the proceedings. The bond into which the sureties were required to enter became, if the holder was successful in the suit, a warrant for instant execution against the sureties. If, on the other hand, the holder's title appeared to be tainted with fraud or other illegality, the Judge had a discretion of making him give security instead of the debtor. That plan had been found to act most admirably in Scotland, and its effects, after many years' experience, had been of the most beneficial character. It was introduced many years ago, when the trade of Scotland might be comprised in a very narrow compass, having originated, he thought, in 1681; but it was then in a very imperfect state, being applied only to foreign bills. After the Union the system was extended to inland bills of exchange; but it was far from perfect at that time, as it did not apply to promissory notes, and in the case of bills of exchange applied only to the acceptor, but not to the drawer or endorsers, with one exception, and that was in case of non-acceptance, when its provisions were extended to those parties. The remedy, therefore, was still imperfect; but since 1772, when the Act of 12 *Geo.* III. c. 72, extended the procedure to promissory notes, and allowed summary diligence to proceed against drawers and endorsers, as well as against acceptors, the benefits of the system were experienced to their full extent. And here he might remark, although he by no means wished to ascribe the prodigious increase in the commerce of Scotland to this more than to other causes, yet it was to be observed that the increase was contemporaneous with the last and very important extension of the law to which he had just referred; and he would show their Lordships how perfectly consistent it was with the most ample system of paper credit. He would only remind the House of the prodigious increase of the trade and commerce of Glasgow within the last forty-five years, the population having increased from under 100,000 to above 400,000, and the river dues in a much larger proportion. Some years ago those dues were let under the corporation for 500*l.* a year, and the lessee might perhaps have gained 100*l.* or 200*l.*, but certainly the whole gross amount of the dues was under 1,000*l.*; but now what did their Lordships think they amounted to? From the last returns to which he had access he found they amounted to no less than 80,000*l.* a year, showing an increase of commerce within half a century which he ventured to say was unexampled in any other part of the kingdom, perhaps in any other part of the old world. He would now call their Lordships' attention to the number of protested bills as compared with the number for the non-payment of which there was any legal defence. In 1845 the number of protested bills in all Scotland was 3,600, of which 33 only were contested—not above 1 per cent—while of these 33 contests only 1 was successful. Not above 1 in 1,000 had been successfully contested; so that so far from using a common figure of speech, when he mentioned that in 999 cases out of 1,000 there was no defence to the action, he happened to have given the exact proportion. In the year 1849, which was a year of distress, there were 4,743 bills protested in Scotland; while in 1853 there were only 2,407. Nearly the same proportions of disputed claims and of successful contests existed in these years. He was informed by a gentleman managing one of the houses in the metropolis, most largely engaged in trade with Scotland, that in 33 years there had not been one single instance of an attempt by a party liable upon a Scotch bill of exchange to stay execution, that is, to take proceedings in suspension. He need not stop to dwell upon the obvious advantages of this system, which took from the debtor the possibility of setting up defences for the mere purposes of embarrassment and delay, while, at the same time, by requiring security, it tested his solvency and position; for where parties applied for a suspension of proceedings they must provide securities whose own solvency was closely scrutinised, and who must render themselves liable for the debt, interest, and costs. Thus a test was afforded of the solvency of the debtor; for, if he were verging to insolvency he would not easily obtain sureties who would stand a close examination upon their own solvency. If it were said it was a hardship upon a man to make him find security, the remedy was at hand; the party liable on the bill had only to pay the money into court, and he was then welcome to try his cause. This improvement in the law relative to bills of exchange was anxiously desired by the trading interests of this country. He had already presented a petition from Manchester, very numerously and respectably signed, praying that the law with respect to bills of exchange might be assimilated to that of Scotland. At Leeds, Liverpool, Birmingham, Sheffield, and other places, meetings had been held upon this subject, and resolutions had been adopted, anxiously requesting the importation of the Scotch law and practice into this country. If their Lordships should now give the Bill a second reading, he intended to move that it be referred to a Select Committee. It would, perhaps, be better to refer the Bill to the Committee to which the Common Law Procedure Bill would be sent, and it had been suggested that the remedy he propounded might possibly be supplied by the additions and modifications of certain provisions of the Common Law Procedure Bill. Of this, however, he entertained considerable doubt. The noble and learned Lord moved the second reading of the Bill.

Lord CAMPBELL entirely approved of the course proposed to be taken. He regarded the practice of the law of England, which gave the acceptor of a bill of exchange the opportunity of contesting his liability when he had not, and never could have supposed himself to have had, a shadow of defence on trial, as unnecessary, and not only contrary to the custom of Scotland, but also of Europe. It was no hardship upon the debtor that the protest of a dishonoured bill should have the effect of a judgment, but a very great hardship upon the creditor that his claim upon a dishonoured bill of exchange should only be enforceable by an action at law. In Westminster Hall, and in every assize town, there were always a number of undefended causes upon bills of exchange. A man did not pay them when he ought to pay, the creditor was obliged to bring his action, a jury were summoned, counsel were engaged, and when the cause was called on the Judge was told, "This is an undefended action." The defendant did not appear, and the plaintiff took a verdict as a matter of course. The Bill would not prevent a person from contesting his liability if he had a reasonable ground of defence. It was very desirable to introduce this improvement into our law, and he thought it expedient to refer the Bill to the same Committee as the Common Law Procedure Bill.

The LORD CHANCELLOR said, that when his noble and learned Friend laid the Bill on the table he expressed that which he now repeated, namely, his entire approbation of the principle contained in its provisions. His noble and learned Friend (Lord Brougham) had privately communicated to him his intention to refer the Bill to the Select Committee on the Common Law Procedure Bill, a course which met with his approbation; but he confessed, on consideration, it would be better to refer it to that Committee only in the event of the Committee deeming it a fit subject to be dealt with by them; because, though it might be very desirable that it should become law, it might be found expedient not to make it form part of the other Bill. He observed that it contained as many as forty clauses, which, if incorporated with the Common Law Procedure Bill, would render the latter so cumbrous as possibly to interfere with its passing through both Houses of Parliament.

Lord BROUGHAM was understood to assent to this suggestion.

Bill read 2ª, and *referred* to the Select Committee on the Second Common Law Procedure (1854) Bill.

CHIMNEY SWEEPERS BILL.

The Earl of SHAFTESBURY, in moving that the Chimney Sweepers Bill, which he had laid upon the table of the House, be referred to a Select Committee, under Standing Order No. 175, said that he regretted to have to state that the system which he had been endeavouring to amend, so far from having been got rid of, had become in many respects actually worse. It appeared that there were no fewer than 4,000 children still consigned to this disgusting and unnecessary employment; and in order to illustrate the evils which resulted from it, he would quote the particulars of a case with which he had been furnished by the Mayor of Nottingham, which came before the public court of that town on the 25th of November, 1853. It was a case of ill-treatment of a child of between five and six years of age, and was a sample of the cases which were continually occurring in every part of the country. The witnesses deposed as follows:—

"Ann Cox sworn: I fetched the little boy (Hart), a very small boy, who appeared to be about six years of age. The grate of my chimney was quite cool half an hour before. The boy hesitated, and then went up. The defendant closed it. The boy did not go forward. The defendant asked me for a brush, and I gave him a sweeping brush. The defendant undid the cloth (which covered the fireplace), and used a bad expression. He said, 'I'll make the —— go.' The defendant drew his cap over his face. He pressed up the chimney half his person. I heard the boy cry. The defendant did something, and the boy cried a second time. I went out and returned shortly, and the defendant came from the chimney and closed it. He did not go forward, and he dragged the boy down the chimney by the legs, and took and scuffed him. He hit him repeatedly on the head with a hand brush. The boy did not cry much. He hit him on the side of the face with his open hands, shook him, and said, 'I'll make you suffer, you ——, when I get you out.' He put the boy between his legs, and then thumped him three times on the pit of his back with his fist. He lowered the child and beat him on the back part of his person with a brush. He took him by the head, and jumped him up and down. I have seen the boy at his mother's this day in Sandy-lane.

"William Phillimore Stiff, on his oath, says: I am one of the medical officers of the Nottingham Union. On the 21st instant, I saw the boy James Hart. He was in a most deplorable state. He had ulcers on his elbows, both his knees, back, fingers, toes, instep, and other parts of his body, swelling at the back of his head, ulcers arising from burns, which appeared to have been produced by putting him up a hot chimney. Those burns must have been done more than four or five days. He had scratches on his back and contusions on his head, produced by blows.

"Cross-examined by Mr. Cope (the defendant's attorney): If I hadn't known he had been a sweep's boy I should have thought he must have been pushed up the chimney to murder him. I think the burns must have been produced since the 12th of November instant. There is danger to be feared from the state he is now in.

"Elizabeth Hart sworn, says: I am a single woman, and the boy James Hart, aged between five and six years, is an illegitimate child, and lived in Smith's-yard, Sandy-lane. The boy has been six weeks in defendant's service as a sweep. He came home every Sunday for the first month, and he has never been home since. On Monday last he was brought home ill. The shirt appeared to have been dipped in blood. A fortnight on the Sunday previous the seemed quite well in health. In the middle of the week the defendant brought the boy home and said he had been ill. The boy told me the defendant had made a fire at his own house, and put him up the chimney, and burnt his feet. He told him he would put him in a puncheon of cold water and would drown him, if he did not do as he ought to do. He told me he had beaten him with a brush several times. This was at Carrington."

Now, this was the state of things with which he was anxious to grapple. The most enormous atrocities were daily perpetrated, and they were unable to get at them unless they were so extreme that they came before the coroner or before the authorities of the Union. The case which he had quoted was only one example of what was going on extensively in the various large towns throughout the country. These were days in which there was a good deal of talk about the necessity of education, and in which there was a good deal of zeal professed about bringing up children in the way in which they ought to go; but this system was as destructive of the soul as of the body. It had been ascertained, by an inquiry instituted at his request, that out of 480 boys employed in this trade, in 170 places, only 21 had the common rudiments of reading, and only two had the rudiments of writing. It was manifest, therefore, that the employment of children in this way was opposed to all education, and was wholly incompatible with the admitted necessity of moral and religious training. What said the master chimney sweepers themselves upon the subject? Sixty of them had met at Manchester, and had borne their testimony to the evils of the present system, in the resolutions which he would read to the House:—

"1. That the business of a chimney-sweep, as at present followed in Great Britain, is one of unnecessary degradation and humiliating servitude. 2. That in carrying on the business of chimney sweeping a practice exists of buying and selling, for various periods, the services of helpless infant children, orphans, and others, who, by such contracts, are rendered liable to be cruelly treated and to be denied the blessings of education and religious instruction. 3. That the evils which have been specified result from the practice of employing climbing boys in the place of machines —a practice which, in the majority of instances, leads to a life of confirmed ignorance and vice, from which the unhappy victim finds it impossible in after years to emancipate himself. 4. That machines have been constructed, and are now in use, by which all chimneys constructed as the law directs can be effectually swept without the aid of climbing children; that the chimneys of the vast metropolis of London, the largest and most smoke-producing city in the world, are at the present time almost entirely swept by such machines."

He need make no comment upon this. there could be no pretence for saying that a continuance of the present state of things was necessary, or that that which had been found applicable to a population of two millions and a half was not equally applicable to the population of the whole country. He would not detain their Lordships by dwelling on the abominable degradation and suffering which the system entailed on its victims, and which he now made a second attempt to remedy. He trusted, therefore, that he might rely with confidence upon receiving their Lordships' support to this Bill.

Bill *referred* to a Select Committee under Standing Order No. 175, for regulating trade.

WIVES AND CHILDREN OF SOLDIERS IN THE EAST.

LORD ST. LEONARDS, in rising to move for certain returns of the numbers of Wives and Children of Soldiers on active service in the East, or ordered there, said, he wished, in the first instance, to be distinctly understood as not proposing to interfere with the regulations of the Horse Guards relative to the marriage of soldiers without leave. Soldiers, under these regulations, were not permitted to marry without leave; and those who did so had not the same advantages afforded them as those who had been married with leave. He did not desire to interfere with those regulations, which he regarded as very wholesome; but the question was, whether any Government support should or should not be afforded to the wives and children of the men now sent upon active service? He should regret to have recourse to Government aid, and, unless it were found that such aid was absolutely necessary, he hoped that a measure of that nature would not be resorted to, as it might lead to mischief hereafter. The question then was, what ought to be done to afford relief? In considering the matter, it should be borne in mind that, as respected the condition of the Army, a great change of circumstances had occurred of late years. The condition of the soldier had been very much ameliorated; the Government had provided and regulated schools for their children, and there were many other privileges which soldiers could now enjoy which were not in existence in former times; and the period of enlistment had been shortened. At present the soldier enlisted for a limited duration of service, and at the expiration of the term for which he enlisted it was left to himself whether or not he would continue in the service and adopt it as a profession. He (Lord St. Leonards) could hardly imagine that any large number of soldiers would marry during the first period of their term of service, because at that time they would be of an age when prudence would forbid them from entering into matrimony. At a subsequent period, however, there would be a necessity that a certain portion of the soldiers should marry, and no one could doubt that they would adopt that course. He should be extremely glad if, for the future, some measure could be considered and provided to relieve the Army in some degree from the pressure which now fell upon them, both as regarded marriage with or without leave, and which might be the means of making some provision for the wives and children of soldiers during their absence upon active service. Their Lordships must bear in mind that the wives and children of soldiers who were left behind when their husbands and fathers were upon active service, must, so far as they were unable to maintain themselves, be maintained by assistance from without. As maintained they must be, the question was, what was the best mode of maintaining them? It might be asked, "Why should there be any particular movement now, when no similar movement has ever taken place upon any former occasion?" The answer to that question was obvious. In the first place, the condition of the soldier had been advanced, and, he hoped and believed, very much to the benefit of the service. It would not, therefore, be consistent with the duty of the Government and the country to neglect, as in former times, to make some provision for the maintenance of the wives and children of soldiers in the absence of our Army on active service. It was also said, "What do you do with the wives and children of your soldiers who are sent abroad to the Colonies? Nobody is in favour of making any provision for them." The answer to that question was, that service in the Colonies was a portion of the common service of the Army; and, as the number sent out was not very great, and the occasion not very sudden, the soldiers themselves ought to be enabled to make some provision against any hardship falling upon their families when they were called away. In such a case, therefore, there was no necessity for any particular movement; but the present circumstances were exceptional; for, after having enjoyed the blessings of peace for many years, we were driven into war. That war had come upon us suddenly, the number of soldiers sent away was larger than upon an ordinary occasion, and consequently a considerably larger number of women and children were thrown upon the liberality and care of the country than in any other case. And the feelings of the people of the country with regard to the present war must also be borne in mind. We were now embarked in war, and there was but one feeling throughout the country respecting it—namely, a determination to support it to the utmost. That feeling, expressed so warmly by the country, naturally extended to the soldiers who were going out to fight our battles, and who went out amid the enthusiastic cheers of large crowds of their countrymen who accompanied them on their way to embarkation. Their Lordships would have read of the crowds who lined the streets and filled the windows of the houses to cheer the troops in their progress; and what did that cheering show but that the people of England were unanimous in supporting the war, in which we were engaged, and were determined to maintain the honour and dignity of their country? And surely they would hardly cheer the troops in the way they had unless that cheering meant something substantial, and was intended to convey to those to whom they were given that their wives and children would not be forgotten in the absence of those nearest and dearest to them. Under any circumstances the wives and children who were left helpless and destitute must be maintained, and he was aware of but three ways in which aid could be given. The first was Government aid, which he hoped might not be resorted to if it were possible to avoid it. In the next place, unless some other provision were made, that which had already taken place with regard to the wives and children of the soldiers of the regiments ordered off in the first instance, must inevitably occur—namely, the forwarding by Government, according to ordinary rules, of the families left behind to those places which were called their abodes, and which were generally where the soldier himself enlisted. In that case, the women who were burdened with children requiring constant nurture and attention, were prevented, by the pressure upon them, from earning a subsistence, and were in consequence thrown upon the Union. The result was, that the soldiers leaving families behind them necessarily felt that they were not only injured but degraded by the circumstance that their wives and children must of necessity be thrown upon the Union for support. He believed it was a fact that, excepting the idea of dishonour before the enemy, nothing weighed so heavily upon the mind of the soldier as the thought that while he was in a foreign land, fighting the battles of his country, those nearest and dearest to him were receiving parish relief in a workhouse. The third method in which aid could be afforded was private benevolence. It was within the power of every noble Lord, and within the power of every individual, to assist in providing a private fund which should be under the control of persons who would properly direct its expenditure. He would not call it charity; because, though charity was a sacred word when properly used, it was too odious in the common sense of the term to apply it to assistance rendered under these circumstances. By a little care, he thought their Lordships and the people of this country might be enabled, without inflicting any great burden upon themselves, to provide for the whole of the wives and children of our troops sent on active service. Already a considerable sum had been subscribed to an association formed for the purpose of aiding soldiers' wives and children, and he had no doubt that the managers of that association would carefully and judiciously disburse the funds entrusted to them. But there was still this great disadvantage attending this mode of proceeding, that the money thus doled out by *5l.*, *10l.*, or *20l.*, though it might be of immediate aid, would not give permanent relief; and there was also a danger which ought to be carefully avoided—namely, that the money doled out to the wife of a soldier in her husband's absence might render her unfit to be a soldier's wife, and accustom her to look forward to support and assistance from others, and thus prevent her from exerting herself. Of the various methods which he had adverted to, which was the best? Having had occasion lately to consider the matter attentively, he ventured to say, that if the people of this country generally—and it could be done without any very great effort or expense—would take upon themselves in the different parishes to which they belonged to provide for one, two, or three soldiers' children during the war, they would not only provide maintenance and education for the particular children they took under their care, but they would, by taking off a portion of the burden, enable the soldier's wives to provide adequately for themselves and the remainder of their offspring. But in order to do good, a communication must be kept up with the commanding officer, and he had, then, no doubt that all that was required could be done. Supposing a woman of excellent character and the wife of a soldier of excellent character, were left here with six children, it would be out of her power to provide for all, and she would be compelled to fall upon the parish for relief; but if two of her children were placed under the charge of some respectable woman, she would be enabled, with the assistance of her friends, to maintain herself and four children by her own industry and exertions. If the women were enabled in that way to maintain their families, the result would be, that when the soldiers returned from service they would find that their children had been well cared for, they would receive them back in health, and, he hoped, much improved in respect of education. He asked for the returns for which he now moved, because he thought that when they were laid upon the table their Lordships would be enabled to form a proper judgment as to the best course to pursue. If Government aid were found necessary, it would no doubt be afforded; and he thought their Lordships might rest satisfied that under any circumstances a provision for the families left destitute in this country would do more to cheer the heart of the soldier on active service than any other measure that could be adopted.

The noble and learned Lord concluded by *moving*—

> "That there be laid before this House, Returns, as far as can be ascertained, of the Number of Married Women belonging to each of the Regiments ordered on Foreign Service, the Numbers who are married with Leave, and the Numbers married without Leave, and the Number of Children."

The Earl of ELLENBOROUGH said, he had been in hopes that some Member of Her Majesty's Government would have risen to express an opinion upon the subject now brought under the notice of the House. He had certainly himself but very few observations to offer upon the matter, but he must say this, that any plan which could be adopted, either by individuals or by the public, which would have the effect of inducing women more freely to marry soldiers, would be the most unkind thing that could by any possibility be done to them. His noble and learned Friend, in introducing his Motion, did not seem to recollect that after a soldier enlisted in a regiment of the line he remained at home in no case for more than five years, and was then sent abroad to the Colonies, where he remained for fifteen or twenty years; so that, in point of fact, a marriage with a soldier was not a marriage for life, as in the case of another man, but, at the most, only a marriage for five years. At the end of that time the husband and wife were almost necessarily separated; and, unless the woman was childless, it was far better that she should be separated from her husband than go abroad with him; and for this reason, that, if she went abroad with him, and took children with her, all such children must be under five years of age, and there was a great probability that in most of our Colonies the result would be their death. He had no doubt himself that more than one-half of the women sent to the West and East Indies, and nearly all the children who accompanied them, fell victims to the climate. His noble and learned Friend intimated that assistance was not required except in the case of the troops sent, or about to be sent, on service in Turkey. Now, if any new system was to be adopted with regard to the maintenance of the wives and children of soldiers sent on service abroad, he thought it would not be proper to confine that assistance to the wives and children of the soldiers sent on special service to Turkey. The hardship of being separated from their wives and families was just as great upon the men sent to India as upon those sent to Turkey. The only peculiar claim in the latter case was that they had been sent abroad sooner than they would have been had no war taken place. There was no other difference; and the condition of the men and their families, with this exception, was precisely the same. He wished to call the attention of Her Majesty's Government to one arrangement connected with the departure of troops for the East, which, he thought, might lead to considerable inconvenience. He thought nothing could conduce so much to inconvenience, and tend to increase the misery and destitution of the wives of soldiers, as the removal of the depôt from the place at which a woman whose husband had gone abroad had been residing at the time of the departure of her husband's regiment. He understood that it was intended to bring together the depôts of all the regiments sent to Turkey, and station them in the Isle of Wight; but he thought the adoption of such a measure would lead to the constitution of a society it was not desirable to create, and would be the means of inflicting a most serious burden upon the parochial authorities of the Isle of Wight, who would have to support all the wives and all the children of all the soldiers sent on service to Turkey. It was no doubt desirable to relieve the soldier from the apprehension that his wife would of necessity, in her destitution, be subject to parochial relief; and, if it were possible to find any body of persons to take upon themselves justly to apportion the relief to be given to a soldier's wife in a case of destitution, it might, in that case, be a matter for consideration whether that portion of the expense which would otherwise be borne by the parochial authorities might not be borne by Government. No new charge would be made, but it would merely be transferring to the Government a charge that would otherwise be borne by the Unions throughout the country, and, at the same time, the soldier would be relieved from the apprehension that his wife and family were receiving parochial relief. The great difficulty in such a case would be to find any number of persons, not interested in the matter, who would justly and without favour assign the relief to be given to each family. He apprehended that in all cases it would be most beneficial to allow the depôt to remain at the place from which the regiment took its departure for foreign service. The wife of a soldier of such a regiment might probably be established at the place at the time the regiment took its leave, and might be earning a subsistence by washing, that, in fact, being the occupation of most of the wives of soldiers. No doubt when the regiment was sent abroad, the greater portion of her customers would be taken away; but she might be a native of the place, or have friends there, and be enabled to gain a livelihood by her own industry. He could not but conceive that, if the depôt was to be the place from which the regiment departed, and the place to which it would return when it came back from service, and where the wives would be located during its absence, it must materially conduce to the assistance of soldiers' families. He would conclude the observations he had to make, as he had begun them, by saying, that if the Legislature did anything to hold out a further inducement to women to marry soldiers, it would be the most unkind thing that could be done.

The Duke of NEWCASTLE apprehended that no one who had paid any attention to the subject would differ from the noble Earl in thinking it undesirable that undue encouragement should be given to the marriages of soldiers, for the sake either of the soldiers themselves or of the women; but at the same time he thought the observations of the noble Earl were not called for by anything which fell from the noble and learned Lord opposite. The noble and learned Lord's Motion was intended merely for the purpose of calling their Lordships' attention—and, through their Lordships, the public and private individuals—to this highly interesting and important subject, and not at all for the purpose of discussing the question whether the Government should undertake a duty which the noble and learned Lord believed, and he (the Duke of Newcastle) thought rightly, ought rather to fall upon individuals than the Government. The noble and learned Lord deprecated any expenditure by the Government for the purposes to which he had called attention, and he (the Duke of Newcastle) apprehended that any attempt of the kind would lead not merely to the evil just referred to by the noble Earl (the Earl of Ellenborough)—namely, the undue encouragement of marriages among soldiers, but to abuses in the expenditure of the Government funds. He felt that his noble and learned Friend (Lord St. Leonards), in bringing this subject before their Lordships, and through their Lordships before the public, was only following out a system he had begun in his own private capacity very much to his credit, and no doubt very greatly to the advantage of those to whom it had reference. In regard to the subject mentioned by the noble Earl (the Earl of Ellenborough), he was not by any means convinced that the concentration of the depôts could be beneficially proceeded with to any great extent. It might be valuable with a view to the training of the companies left at home, but there were other military grounds on which it was extremely objectionable. At the same time, on behalf of the Government and of their Lordships, he would thank the noble and learned Lord for directing attention to the subject before the House. He could assure the noble and learned Lord that that subject had not been neglected by the Government. Immediately on the necessity arising for ordering troops abroad, the attention of the Government was directed to the point. They were at first inclined to think that more could be done than now seemed practicable, but any suggestion the noble and learned Lord might make should receive every consideration; and in any actual efforts he might make he would not only carry with him all the sympathies of their Lordships' House and of the country, but every facility and assistance that could be afforded by the Government would be given him.

THE EARL OF DERBY wished to ask the noble Duke whether his attention had been called to the case of a regiment which had been ordered to the East, having only just returned from Canada, where it had been stationed for some time? A considerable number of the men belonging to the regiment, he was informed, had married women from Lower Canada, and, being ordered on foreign service, were obliged to leave their wives here, most of them unable to speak a word of the language and far away from their own friends and relations. This was a case, he thought, quite exceptional, and presenting very peculiar claims on the attention of the Government, and, as such, he had taken the opportunity of mentioning it to the noble Duke.

THE DUKE OF NEWCASTLE replied that he had not heard that rumour, and that no case of the kind had been brought to his knowledge. At the same time, it was true that several regiments recently come from Canada had been ordered to the East, and he, therefore, could not say that no such case existed. It was an exceptional case, certainly, if it existed; but he should make inquiry into the matter, and, if it should turn out that the rumour was true, the matter should have the attention of the Government.

THE EARL OF POWIS thought that the case of the wives of soldiers, ordered abroad on colonial service in the regular course of duty, was not less hard than that of the wives of those recently ordered to the East. When a large army was ordered abroad on urgent service, as at present, it was impossible that some hardships should not result to the wives of the soldiers, but the case of a regiment sent to a colony on merely garrison duty was by no means the same. It was not desirable that an unlimited number of soldiers should be induced to marry, but when a regiment was ordered on colonial garrison service for perhaps fifteen or twenty years, it was a great hardship that their wives should not be allowed to accompany them. A free passage ought to be afforded for those women in the Government transports. They could be maintained as cheaply in the colony as at home, and would be, beyond doubt, a great comfort to their husbands; but the refusing them a passage in the transports was in effect an absolute separation in the great majority of cases, and often for life.

The Duke of Newcastle

On Question, *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 4, 1854.

MINUTES.] NEW MEMBER SWORN.—For County of Westmorland, Earl of Bective.

PUBLIC BILL.—1° Criminal Procedure.

DUBLIN UNIVERSITY.

MR. FAGAN said, he rose to ask leave to bring in a Bill, having for its object the opening of the University of Dublin, in every particular and for every purpose, to students and professors of every religious denomination. He regretted that some person more competent than himself or of higher standing had not undertaken the important task. But, seeing that no other Irish Member was inclined to do so—seeing that the Government had determined not to interfere in the matter, he felt it his duty, as one who had for years been an earnest advocate for the extension of collegiate education in Ireland, to submit the subject to the consideration of the House, the more particularly as the Dublin University Commissioners, in their Report, had made no recommendations that interested the people of Ireland; and even those recommendations which were of any value were rejected by the college authorities. Every one knows that the education afforded in that University is as high, as extensive, and as erudite as in any other University, whether in that country or on the Continent. And yet, singular to say, while, in England and on the Continent, members of Universities had risen to distinction in the fields of literature and science, the great national University of Ireland has obtained the title, and deservedly, of the "silent sister." This does not arise from deficient intellect in Irishmen—it does not arise from insufficient funds to reward the successful labourer in the fields of literature and science. Trinity College is said to be the richest in the world. It has estates valued to the poor rates to over 92,000*l.*, and amounting to two hundred thousand acres of land in the different provinces in Ireland. Its whole income, including the internal receipts of the college, comes to 64,000*l.* When the Act passed in 1851 begins to operate, which enables the college to let for ninety-nine years without fines, and at least within three-fourths of the market value, instead of one-third, as at present, and in perpetuity, this income will be increased to over 100,000*l.* a year. Now, this enormous income is divided thus:—To the provost 3,500*l.* a year, while the heads of houses in Oxford, which correspond with that of provost, get but 764*l.* a year each, and in Cambridge, 749*l.* The fellows in Trinity College are divided into five classes. The first class, namely, the senior fellows, receive on an average 1,800*l.* a year each; the second class, that is, the first class of junior fellows, numbering six fellows, get 790*l.* a year each; the second, consisting of eight, 626*l.*; the third, consisting of five, 390*l.*; two junior fellows, the junior bursar and junior proctor, each get 1,600*l.* a year, and another, the professor of natural philosophy, 868*l.* Four non-tutor fellows get 125*l.* a year each. One non-tutor fellow, 80*l.* a year, and the other being an absentee, and a professor in the Queen's College, Cork, gets nothing. Now, in Oxford, the average payment of fellows is but 211*l.* a year, and in Cambridge but 209*l.* Well, then, the inferior reputation of the University of Dublin does not arise from want of adequate endowment, but from the restricted sphere in which the large endowment is dispensed. Instead of encouraging the intellect of the middle class of all religious denominations, the college confines its favours to the favoured religion, to the members of the Established Church. The provost and thirty-five fellows, who receive amongst them 34,000*l.* a year, must not only be Protestants of the Established Church, but they must be also—all but three—clergymen. The seventy scholars, who receive altogether, in various benefits, about 80*l.* a year each, for five years, must be all of the Established Church. The professors, receiving together near 7,000*l.* a year, must nearly all be, and practically all are, of the Established Church. And 117 exhibitioners, receiving 2,000*l.*, also, are practically Protestants. That is to say, over 48,000*l.* a year, out of a revenue of 64,000*l.* a year, is paid to persons of the Established Church, most of whom must be clergymen. Thus, then, the great rewards which stimulate to exertion and to the development of knowledge and talent in science and literature—namely, fellowships, scholarships, and professorships and exhibitions, are shut out from the Roman Catholics and the Dissenters. What is the consequence? Why, this, that not thirty Roman Catholics, in the year, enter Trinity College—that is, not one to ten of the Protestants who enter—and that of the entire 51,000 on the books as undergraduates, not 200 are Catholics. There are about fifteen scholarships vacant and contended for every year. If even such a prize as that were thrown open to the competition of the "whole country," what a stimulus it would give to learning amongst those of humble means. So great a temptation is even this, that Roman Catholics have been known for the occasion, and temporarily, to change their religion, and these hypocrites have been permitted by college authorities, in their love of proselytism, to approach the sacrament of the last supper, though they must know it was done for a bribe. But if scholarships, worth about 80*l.* a year each, cause such competition, what would be the intellectual result no one can foresee, if fellowships and professorships were open to all persuasions. The next question arising is—why is so vast a benefit refused to Ireland? The reason assigned is this—in the words of the Report of the Commissioners:—

> "Because this foundation was made by Elizabeth on application of some of the heads of the Established Church in Ireland. The institution was at its commencement, and has ever since continued in its most essential characteristics, a Protestant institution."

Now, in the first place, he asserted, with all due respect to the Commissioners, that the charter was granted on the application of the Catholic corporation of Dublin; next, that it was granted for the education of the whole people of Ireland; and lastly, that it was contributed to and sustained in its infancy, principally, by the Catholics of Ireland. To prove these assertions, he would read to the House extracts from the speech made by the Lord Chancellor and Archbishop Loftus to the corporation of Dublin—from the charter of Queen Elizabeth—from the letter of application for contributions from the then Lord Lieutenat, Earl Fitzwilliam—and from the reports made in reply to this application by his agents in the provinces:—

> "Archbishop Loftus told the corporation of Dublin that the creating of a college will not only be a means of civilising the nation and of enriching this city (Dublin), but that your children by their birth in this place will so, as it were, fall

> opportunely into the lap of the muses, and that you need not hazard them abroad for the acquiring of foreign accomplishments, having a well-endowed University at your doors."

This was addressed to the Roman Catholic corporation of Dublin. The result was the grant, not only of the site on which the college is founded, but also of considerable property in the city of Dublin, which now yields 1,600*l.* a year. He would now read an extract from Elizabeth's charter:—

> "Whereas our well-beloved subject, Henry Ussher, Archdeacon of Dublin, hath humbly entreated us in the name of the city of Dublin, because no college hitherto exists within our Kingdom of Ireland for the instruction of scholars in literature and the arts, that we should deign to erect, found, and establish a college, the mother of a University, near Dublin city, for the better education, training, and instruction of scholars and students in our aforesaid kingdom. * * * * Know ye that we, by reason of that extraordinary concern which we have for the pious and liberal education of the youth of our Kingdom of Ireland, and by reason of that affection with which we regard literary pursuits and those who follow them, graciously assenting to this pious prayer of our special favour, and from certain knowledge, and of pure inclinatien, will grant and ordain for ourselves, heirs, and successors, that there be, and shall be a college, the mother of a University, to be called the College of the Holy and Undivided Trinity, near Dublin, founded by Queen Elizabeth."

Now, in this charter three things are distinctly set forth:—First, that the application for a University was from the citizens of Dublin, and not from the heads of the Established Church. Next, that the object of the foundation was for the instruction of scholars in literature and the arts, and not for the propagation of the established religion. And lastly, that Trinity College was only intended as a nucleus, or, as the Commissioners term it, the commencement of a University like that of Oxford or Cambridge. It will be necessary for the House to keep those facts in view, as they were essential for establishing the case he had to submit to its consideration. Again, the Earl Fitzwilliam, addressing the people of Ireland to support this institution, thus writes:—

> "Whereas their benevolence may be shewed to the putting forward of so notable and excellent a purpose as this will prove to the benefit of the whole country, whereby knowledge, learning, and civilitie may be increased to the banishing of barbarism, tumults, and disordered living from among them; and whereby their children and children's children, especially those that are poor, as it were in an orphan's hospital, freely may have their learning and education given them with more care and lesser charges than in other Universities they can obtain it."

Now, two things are undeniable on the face of that document, namely, that this "knowledge, learning, and civility" was intended for the "whole country," and especially for the "poor," who of necessity were then, as they are now, Roman Catholics; and who, being "poor," were to be supported as "scholars" out of the endowment. The next extract he would read was from one of the reports of the collectors of this contribution:—

> "Upon the receipt of your honour's warrant hereunto annexed, having taken into my assistance one Walter Delamar, assigned unto me by the Sheriff of Westmeath, I did impart the effect of your honour's directions unto the freeholders of the barony in warrant contained, and how I prevailed with them, together with the freeholders' names, appeareth as followeth."

Then he gives the names of the subscribers, nearly every one of whom were Catholics, namely, the "Nugents." Again, another despatch, signed Thomas Norreys, states that the county of Limerick did agree to contribute three pence and four pence out of every plough land. The county of Cork also freely contributed; so did Connaught. In fact, it was a national subscription for a national object. Thus he had proved that there was no foundation for the statement that the University of Dublin was established for the purpose principally of propagating Protestantism. But the supporters of the present exclusive system go further, and state that it was founded mainly for the education of Protestant ministers of religion; and in proof of this they point to Loftus and Usher as the chief promoters of it as an ecclesiastical establishment. Now, in the first place, no great reliance in the argument ought to be placed on the fact that Loftus was archbishop, and Usher dean of Dublin. Loftus was also Lord Chancellor, and in those days the clergy were the only persons having pretension to learning or love of literature. Besides, the heads of the Protestant Church in Ireland, in those days, did not agree with Elizabeth in religious faith, and though she could, and did, impose the thirty-nine articles on Oxford, she could not venture it in Ireland; and while she was willing to aid in giving general education to the "whole country," she preferred that the clergy should receive their education in a more orthodox locality. Thus it would seem evident that Elizabeth designed the University of Dublin to diffuse the blessings of knowledge, science, and civilisation to all her Irish subjects within the sphere of its action, without distinction of creed. But it is quite true she gave the provost, fellows, and scholars powers to make rules and regulations. What those rules were are not known, except that towards the end of the reign of James I., they showed a tendency to religious exclusiveness, and it is more than probable that the charter of Charles I. was founded on the system of Protestant ascendancy then in vogue. It is well known how much the fanaticism of those times pressed and urged into acts of persecution that unhappy King, and acting on the maxim *pro ratione temporis*, he gave the Dublin University a charter which, *ipso facto*, made it a Protestant institution. But at the same time he took away from it the power of altering the Statutes he then gave the college, or to deviate one particle, or in the most trifling particular from the Statutes according to the ordinary grammatical meaning of the words, and according to his intentions, and, in point of fact, for altering the hour of closing the college gates, a Royal letter in 1819 had to be obtained. In clearly and obviously omitted cases the college had power to make laws. There can be no doubt the charter of Charles I. intended that Roman Catholics should be excluded from the University. One of the Statutes states this:—

> "Moreover, it shall be the duty of the Provost and senior fellows to take heed that no opinion of Popish or heretical doctrine be supported or propounded within the boundaries of the college, whether publicly or privately. Which if it shall happen, we will that the progress of the impious doctrine be intercepted as soon as possible. Besides that no one shall be elected into the number of fellows who shall not have renounced the Popish religion and the jurisdiction of the Pope by a solemn public oath."

Thus Catholics became legally inadmissible; but if admitted, there was nothing to prevent their becoming scholars, for the oath of a scholar was one a Catholic could take. But from fellowships, which were designed for clergy of the Established Church, Catholics were formally excluded. These Statutes of Charles I. were clearly a violation of the charter of Elizabeth, and the following extracts from the journals of the Irish House of Commons in 1640 prove that it was then so considered. The journals state—that, in consequence of the charter of Charles, the Government introduced into the college had subverted the ancient and first foundation thereof, and must tend to the discouragement of the natives of this kingdom and is a general grievance. Thus things remained up to 1793, Roman Catholics and Dissenters surreptitiously entering the college and obtaining scholarships. In 1793 the Relief Act passed in the Irish Parliament; by this Act Catholics became admissible into the college and to all offices except fellowships and provostships, and became entitled to be members of any corporation except that of Trinity College. In 1794 a Royal letter was issued in conformity with this Act, allowing Catholics to enter Trinity College. This, in point of law, abolished all impediments to their then becoming scholars. But what did the provost and fellows do to counteract the intentions of the Legislature? They immediately passed a by-law which they never published, which made it necessary for a person who had passed for scholarship to partake of the sacrament of the Lord's Supper. This was not publicly announced, but the student got a gentle hint that it was necessary, and therefore, unless he was willing, it was useless for him to enter for scholarship. This by-law was clearly contrary to the Statutes, except it could be shown to be a *casus omissus*, which it would be difficult to do, except that a scholar was a member of the college corporation, to which a Roman Catholic was still inadmissible; but as the oath was one which a Catholic could take, and as there was no provision in the Statutes for testing whether a person was a Catholic or not, now that the test at entrance required by the Statutes was removed, it was argued that a *casus omissus* occurred which it was permitted the college to supply. But this *casus omissus* was caused by subsequent legislation, and therefore did not come within the meaning of the words of the Statute, which says that these ordinances can only be made "where nothing certain is defined in the Statutes." However, be this as it may, the fact is, that the Catholics are thereby excluded from scholarships unless they consent to become hypocrites and temporary recreants from their faith, and then, to the disgrace of the Established Church, these men are received with open arms. Indeed, from the commencement, the entire system appears to have for its object the proselytising of the Roman Catholics. Partial indulgence on the one hand, and when ambition was to be gratified, restriction set up on the other, and every temptation held out to the student to forget the higher obligations of his conscience, and to abandon for a purpose his religious faith. It was gratifying to find, at all events, that the present Provost was in favour of removing these restrictions, as regards scholarships, on the ground that scholars had no longer anything to do with the government of the college, and were merely in name members of the corporation, and some of the Commissioners were also of that opinion. Well, but it may be said all these restrictions respecting scholarships may be removed by a Queen's Royal letter, and what necessity is there for legislation? This is doubtful in consequence of the exception in the Statute of 1793. But, be that as it may, he thought the time arrived when the full advantages of the University should be thrown open to persons of all religious persuasions. Then will there be given a stimulus to the higher attainments in science and literature, which cannot be otherwise afforded. How is this to be effected without injuring the efficiency of Trinity College, as a great educational institution for the clergy of the Established Church? It is clear that college, if it is to remain essentially and principally an institution for that purpose, cannot open its fellowships and professorships to free competition to all religious sects—that he freely admitted. Nay, more, he saw the justice of permitting Trinity College to be devoted principally to the education of persons for the Established Church. The Catholics had Maynooth, the Presbyterians had an endowed college at Belfast, for Presbyterian clergymen, in connection with the Queen's University. Let, then, the Established Church, as it was so long in possession, keep Trinity College as it is. Then the necessity arises for putting into operation the 219th section of the Act of Settlement, 14 & 15 *Charles* II., Irish Act, which empowers the Lord Lieutenant in Council to found another college to be of Dublin University, except with this material distinction, that, instead of being inferior in rank and powers, it must be coordinate with Trinity in both. This will necessitate the alteration of the constitution of Trinity College as to its University powers. History hints that Loftus, being apprehensive that the ancient University of St. Patrick's would be revived, and Trinity College annexed to it, got the University powers given to the college. The reason of his apprehension was, that he had alienated amongst his family the lands belonging to St. Patrick's, which would be reclaimed if the old University were reestablished, and he got up the other with full powers to prevent such a consummation. It was clearly never intended that these powers should be annexed exclusively and permanently to Trinity, in the event of another college being erected. It was the mother or commencement of a University, and so long as it remained the only college in the University, with it alone the powers rested. On this point, Miller, "in his examination of Charter and Statutes of Trinity College, in reference to the supposed distinction between the College and the University," has, in page 9 of the work, the following remark:—

> "We must regard the original college as constituting the whole University, until some other college should have been erected on the same foundation, and a necessity should have occurred for introducing a new federal constitution, which might comprehend both under the authority of the convocation of the whole University."

That was formerly his (Mr. Fagan's) view on the subject; and it is curious to observe when the University was governed within itself, and by itself, and not by Royal Statutes, how anxious they were to have the University powers separated from the college. In the University Calendar of 1833, he found the following:—

> "The board, conceiving that the regulations of Oxford and Cambridge were essential to the nature of an University, and that, therefore, a system which acknowledged no corporate distinction between the college and the University, must be radically defective, made an effort to obtain for the latter a distinct charter, and for this purpose they, on the 13th May, 1616, voted an allowance to the provost, to defray the expenses of his journey to London, about the public good and service of the college, and, particularly, for procuring two distinct charters—one for the college, the other for the University. At that time the negotiations with the Government about the new Statutes were in active progress, but the unwillingness of the fellows to surrender their former charter, with the privilege of legislating for themselves which it conferred upon them, appears to have defeated the whole design."

This is precisely the project he (Mr. Fagan) proposed, and *pro ratione temporis*, there was justice in the demand. Trinity College was an exclusive college for an exclusive purpose. The growing demand for education amongst the middle class required a second college, which the Act of Settlement enacted should, whenever established, be called the "Queen's College," and which the 33 *Geo.* III. (Irish Act), sect. 7, declared should be open to all religious persuasions. True it is that they had now provincial colleges and a Queen's University; but still the middle class was deprived of the high incentives for study and for making science and literature a permanent pursuit, which the great prizes of the Dublin University afforded. The provincial colleges, though giving a very high and enlarged education, were not in a pecuniary position to do this. Besides, the province of Leinster and Dublin itself were without the advantages which the cities of Cork and Belfast, and Galway, and the provinces of Ulster, Munster, and Connaught possessed. This was well stated in a memorial from certain Dissenters, published in the evidence given by the Commissioners :—

> "On behalf of the Protestant Dissenters, and especially on behalf of such of them as are resident in Dublin and other parts of the province of Leinster, and can derive little advantage from the Queen's Colleges in Ireland, we desire to draw attention to the religious restrictions now imposed," &c.

On these grounds, then, and not confining himself to the opening of scholarships in Trinity College, which these Dissenters only looked for, and in favour of which was the present Provost, and also many of the Commissioners, he proposed that there should be established a second college co-ordinate with Trinity College—that the University powers for both colleges should be exercised by the Senate of the University, to be elected by the Convocation, and to consist of the provosts of each college, the senior fellows of each, four junior fellows of each college, and two professors, not fellows, of each, making in all, with the chancellor and vice-chancellor, a senate of twenty-four, having power to confer degrees and the other powers vested in a University. He proposed that the present Provost, during his life, should preside over both colleges. After his death each college to have a provost, with one-half the income of the present, and to be selected by the Crown. He proposed that the present fellows should be distributed amongst both colleges—four of the senior fellows to remain attached to Trinity College, and three attached to the Queen's College. Their incomes and emoluments to remain the same as at present, and their duties as near as may be. He proposed that the junior fellows, according to their different classes, tutor and non-tutor, should be equally distributed between both colleges—their duties not to be confined during their tenure of office to one college, if the exigencies of the other require their services. This, however, only to continue during existing tenures of office, and until a new arrangement consequent upon an avoidance thereof, enables each college to have exclusively its own fellows. This observation also applies to professors, who may be non-fellows, except the professors of divinity. He proposed that when one of the present senior fellows in either college came to hold his fellowship, that two junior fellows should be co-opted by the board of senior fellows and provost to the vacancy, the income of the present fellow to be divided by each. He proposed that the two vacancies in the junior fellows, caused by promotion, should be filled up by two elected after examination as at present, and to rank according to merit, and he proposed that all be tutors fellows in Trinity College, under the same restrictions as at present. In the Queen's College the competition to be open, with this restriction, that the fellows are not to be in holy orders. As the funds of the two colleges, disposable for the purpose, increased, he proposed that each college should have, if necessary, separate professors, who were non-fellows. Thus, vested interests would be preserved inviolate, and the colleges go on in usual routine, without any very manifest or abrupt change. The estates of the college or University were given for the benefit of the "whole country" by Elizabeth and James, and at a time when a second college was contemplated. Therefore, on the same principle that the noble Lord (Lord J. Russell) proposed to allocate 50,000*l.* a year of funds left by private parties to Oxford University to professorships and halls, entire and independent of the colleges, he proposed that these estates belonging to the University should be equally divided by the two colleges. He proposed that the livings should belong exclusively to Trinity College, except the four livings which had been purchased by the funds of the University, which should be resold, and that the internal revenue of the University should be equally distributed. Lastly, he proposed that the Act should not come into operation for twelve months after its passing into law—that the undergraduates should then select to which college they should belong—that, therefore, no degree should be granted to an undergraduate of Trinity College without having passed at least two examinations in divinity, and attended courses of lectures in theology for one year. He proposed that no person should continue a graduate of Trinity College unless a candidate for holy orders, and no person a graduate of Queen's College who was intended for the Church.

In Trinity College, the scholarships, fellowships, and provostship to be held by members of the Established Church. In Trinity College these offices to be open to laymen of all religious denominations. He proposed that the professors of the University, except the professors of divinity, which would exclusively belong to Trinity College, should belong to both colleges. He proposed that deans of residence, Roman Catholic, Protestant, and Dissenters, should be attached to the Queen's College, and should report monthly to the provost on the moral and religious conduct of the students under their respective care. And, lastly, he proposed that the Roman Catholic Archbishop in Dublin, and the head of the Presbyterian Church, should be two of the visitors of Queen's College; and that the visitations should be at least once a year, and oftener if need be. Such was the nature of the Bill he submitted to the consideration of the House. He felt it was founded in justice. Without interfering with Trinity College, it opened all the offices in the University to all denominations. Thus a great scheme of education would be fully carried out in Ireland, in the provinces, in the capital, and amongst the people, to the manifest benefit of the whole country.

Mr. HUME seconded the Motion.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to make provision for the better government of the University of Dublin; for the establishment and maintenance of a second College therein, with co-ordinate authority, and, as near as may be, equivalent income, with Trinity College, to be called, in pursuance to the Act 14 & 15 *Chas. II.*, c. 2, 'The Queen's College;' and further for the extension, in pursuance to the Act 33 *Geo. III.*, c. 21, to students of all religious denominations, of the honours, degrees, benefits, emoluments, and offices, in the said Queen's College."

Mr. G. A. HAMILTON said, he rose to offer the proposition of the hon. Member his unqualified and most decided opposition. Before, however, he proceeded to touch upon the Motion itself, he felt called upon to notice two or three startling preliminary assertions made by the hon. Member. It was the first time in his (Mr. Hamilton's) life that he had ever heard it stated by any one that the foundation established by Queen Elizabeth in Dublin was intended by her for the education of her Roman Catholic subjects in Ireland. Was it reasonable, was it possible, that at the very time Queen Elizabeth was excommunicated—when she was held to be deposed by the Catholics—when her right was denied by them, and her subjects released from their allegiance by the Pope, with the Act of 1560 in existence enforcing the oath of supremacy upon all persons holding office in any of the Universities—that it could have been her intention to open the University to Roman Catholics? He, resting on these facts, appealed to the common sense of the House to say whether it could admit that the assertion of the hon. Member was well founded. Was it reasonable either, in another point of view, to suppose that a college, instituted by such men as Usher and Lord Burleigh, and the other great men of that day, would be instituted on the principles stated by the hon. Gentleman? Reverting to the report of the University Commission, to which the hon. Member referred, and in which a great deal of information would be found on the subject, it would be seen that this point had been fully treated. That Commission was appointed in 1851 by the noble Lord opposite, and the distinguished individuals who composed it—namely, the Archbishop of Dublin, Lord Chancellor Brady, Lord Rosse, the Bishop of Cloyne and Ross, Dr. Mountifort Longfield, and Mr. E. J. Cooper; were persons not at all likely to take a narrow or a contracted view of the obligations of the University in connection with the subject of their inquiry. But what did these Commissioners say? They said:—

"As this foundation was made by Queen Elizabeth, on the application of some of the heads of the Established Church in Ireland, the institution was, at its commencement, and has ever since continued, in most of its essential characteristics, a Protestant institution, although by subsequent legislation Roman Catholics have been admitted to receive their education and obtain degrees; and, by the liberality of the college authorities, Dissenters have long enjoyed the same privileges."

In another place they also said:—

"In 1794, the Roman Catholic Relief Act of the previous year was followed by a Royal letter, admitting persons of that persuasion to be students in the college, and to obtain degrees in the University. By the Statutes of King Charles there were religious duties imposed on all students, which implied that they must be members of the Established Church. But the college authorities have extended to all Dissenters the exemption respecting these religious duties, which had been granted by Royal letter to Roman Catholics; so that for nearly sixty years education in the University of Dublin has been open to persons of all religious denominations."

For a period of upwards of sixty years, therefore, the college authorities had extended exemption from these religious duties, and education, in the words of the report, had been open to persons of all religious denominations. It would be seen, consequently, that while the Commissioners recognised the Protestant character of the institution, the authorities had opened their doors as widely as possible, not alone to Roman Catholics, but to all religious Dissenters. But there were other authorities as well as the Report of the Commission. He recollected on the introduction of the Bill for the establishment of colleges in Ireland, in 1845, to have heard the speech of the right hon. Gentleman, then the Home Secretary, now the First Lord of the Admiralty, when that right hon. Gentleman expressed himself so explicitly, so clearly, and so manfully, on the subject of the University of Dublin, in introducing that Bill. He (Mr. Hamilton) was one of those who had supported that Bill, because he felt that while Dublin University should be kept for the education of the clergy in Ireland, there was a large class of persons in that country who needed these colleges, and that, therefore, it would be good policy to establish institutions of the kind, in which the higher offices would be open to Roman Catholics and Dissenters as well as to Protestants. On that occasion the right hon. Baronet said:—

> "I am of opinion that neither policy, nor equity, nor justice, will admit of any interference with Trinity College, Dublin, as it is now founded, and as it now exists. That college is entirely a Protestant foundation. It was founded originally by Queen Elizabeth, and was founded avowedly for Protestant purposes, which purposes have from that time to the present been steadily maintained; and it is from that source chiefly that the Established Church of Ireland draws its priesthood. * * * * * * Now, I find that Trinity College is an institution that was endowed by a Protestant Sovereign, avowedly for the purpose of providing for the education of the ministers of the established religion in Ireland, and I cannot, therefore, consent that its property should be invaded, or the uses to which it is appropriated be disturbed."—[3 *Hansard*, lxxx. 360.]

Recollecting the memorable prohibition of the right hon. Gentleman as to *Hansard*, he (Mr. Hamilton) should have been slow to quote the words of that right hon. Baronet if he did not believe that he entertained the same opinions now which he expressed on that occasion. The next assertion of the hon. Member for Cork was, that there were no rewards for Roman Catholics or Dissenters in Trinity College. The hon. Member must, however, have been rather careless in preparing himself, or he would have seen the contrary in the Report of the University Commission. When this subject was introduced on a former occasion, he (Mr. Hamilton) had gone at length into it, and he had then read a list of all the honours, offices, and emoluments, to which Roman Catholics and Dissenters were admitted, and from which they were excluded. He held that list in his hand now, and he should read it to the House—

> "In the first place, it should be understood that there was no test whatever on entrance, or with reference to any degree, except degrees in divinity; the oath of allegiance was all that was required on the taking of any degree except divinity. And next, with respect to the honours and emoluments of the college, there were thirty sizarships, objects both of honour and advantage, open equally to Roman Catholics and Protestants; and no imputation of unfairness or partiality had ever been imputed to those who conducted the examinations of Dublin College. All the University honours at the term examinations, and the gold medals at the examination for degrees, were open equally to Roman Catholics and Protestants; so were the University degrees, except in divinity; so were the vice-chancellor's prizes —prizes in English, Latin, and Greek, prose and verse; the Primate's Hebrew prize, Law's mathematical prizes, the Berkeley gold medals, the prizes for modern languages; in history, the medical prizes, those in biblical Greek, those in the Irish language; the moderatorships, or highest honours in mathematics, classics, ethics, and logic; premiums in political economy, catechetical premiums, Hebrew premiums, the exhibitions (which were emoluments) from schools of the foundation of Erasmus Smith, at Drogheda, Ennis, Galway, and Tipperary; the royal scholarships, twenty-five in number, and from 50*l.* to 30*l.* in value, from the schools of Armagh, Dungannon, Enniskillen, and Middleton, and the two Lloyd exhibitions."

These honours and emoluments were open to Roman Catholics equally with Protestants among the students in Dublin College. He would now come to the higher offices in the University; and he was enabled to state that the following offices and professorships were open equally to Roman Catholics and Protestants:—

> "The professorship of English Law, the regius professorship of physic, the high office of Astronomer Royal, the professorship of French and German, of Italian and Spanish, of political economy, of civil engineering, the lectureship in natural history, the professorship of moral philosophy, and of the Irish language."

The pecuniary amount of these offices and emoluments open to Roman Catholics he estimated at about 6,900*l.* a year. The first office from which Roman Catholics were excluded was the provostship. He thought it could be scarcely necessary for him to defend that exclusion. There was no one, he thought, in that House, whatever might be his religion, who could say that, considering the objects and constitution of the college, it would be at all consistent with the nature of that high office that it should be filled by any one but a member of the Established Church. Roman Catholics were rendered ineligible by letters patent of Charles I., by the college Statutes, by several Acts of Parliament, the Act of Uniformity, and the Act of 1793. The same arguments and reasons were applicable to the office of vice-provost. The nature, also, of the office of the fellows —their being engaged in the religious as well as general education of the Protestant students—appeared to him to justify and render necessary the exclusion of Roman Catholics in reference to the fellowships. It was expressly declared by the college Statutes that all fellows, except three, should take priests' orders in the Established Church, clearly proving the object of those offices. By the college Statutes, also, Roman Catholics were excluded expressly. The same Acts of Parliament, moreover, which applied to the provostships, applied to the fellowships. The professorships of divinity must obviously be confined to members of the Established Church. The professor of Greek, by the college Statutes, must be one of the fellows, and, as such, a Protestant. The professors on the foundation of Erasmus Smith—a private foundation—must be fellows, and, as such, Protestants. The three University professors of anatomy, chemistry, and botany, by the Act of 25 *Geo.* III., for establishing a school of physic, were open to Protestants of all countries; and of course, by inference, Roman Catholics were excluded. The professor of civil law, by the King's letter of 1668, must be a fellow. Since then it had been judicially decided that scholarships should be confined to members of the Established Church, and the reason was obvious. Out of 244 fellows, no fewer than 177 were elected from among the scholars alone. This, in itself, would show that the object of the institution of scholarships was to create a class from which to fill the offices of fellows of the University. The value of the various offices to which Roman Catholics and Dissenters were eligible was 6,900*l.*; that of the various offices to which Protestants only were eligible was 8,000*l.* That was the real state of the case. The third assertion of the hon. Member was that Trinity College—that the University of Dublin—possessed a reputation inferior to that of other Universities in this empire—that it was called "the silent sister"—and that it did not produce men of eminence and talent. Recollecting the names of the many distinguished men who had been an honour to their country, and who had been educated in the University of Dublin, he confessed he was greatly surprised. He remembered, on a former occasion, a portion of the speech of the late Bishop of Limerick (Dr. Jebb) on this subject, which he would read to the House, as he had quoted it in his own speech on the occasion referred to. Dr. Jebb stated—

> "The University of Dublin, which in its earliest days produced Usher, the most profoundly learned offspring and ornament of the Reformation; and Loftus, in Oriental letters rivalled only by his great coeval, Pocock; which afterwards sent forth to shine among the foremost of an Augustine age, Parnel, the chastest of our poets; Swift, the purest of our prose writers; and Berkeley, the first of our metaphysicians; Goldsmith, the most natural depictor of life and manners; Burke, the greatest philosopher and statesman of his own or any other age or country; Grattan, the eloquent asserter of his country's rights—the parent of Irish independence." * * * * *

And, in later times, he (Mr. Hamilton) would remind the hon. Member that the erudition and learning of Dr. Hales and Archbishop Magee, and Dr. Graves and Dr. Miller, and the eloquence of Plunket and North, and Curran and Bushe, and in this House could they be forgetful of Sheil, who always prided himself in having been educated in Trinity College. Then there were Dr. Romney Robinson, and Professor M'Cullagh, whose premature fate was so deeply deplored, and Bishop O'Brien and Sir William Hamilton, and Dr. Wall, and Professor Lloyd, men of our own day, in every profession, and who were equally an honour to their country and their University. The hon. Gentleman had insinuated that certain offices in the University, though ostensibly open to Roman Catholics, were not, in fact, occupied by them; as if an undue preference had been shown to Protestant students by the authorities of the University. He (Mr. Hamilton), however, appealed to the House whether it had ever been surmised, still less suspected, that in the examinations of the University of Dublin, the slightest partiality had been shown on the ground of religion. He believed, on the contrary, it would be generally admitted that no examination could be conducted in a fairer manner, and that no persons could exercise their functions on all occasions more honestly than the examiners. He would now come to the Motion of the hon. Member. The hon. Member proposed—

> "A Bill to make provision for the better government of the University of Dublin; for the establishment and maintenance of a second college therein, with co-ordinate authority, and, as near as may be, equivalent income with Trinity College, to be called, in pursuance to the Act 14th and 15th Charles II., c. 2, 'The Queen's College;' and, further, for the extension, in pursuance to the Act 33rd Geo. III, c. 21, to students of all religious denominations, of the honours, degrees, benefits, emoluments, and offices, in the said Queen's College."

This modest proposition of the hon. Member was, in fact, to subvert the University of Dublin, and to establish upon its ruins a college on different principles from those laid down in the intention of the founders; and to carry this proposal out, the hon. Gentleman proposed to confiscate one half of the revenues of the University for the endowment of that college. The hon. Member rested his proposition on two Acts of Parliament, namely, the Act of Settlement and the Act for the Removal of Restrictions upon Roman Catholics, passed in 1793. The object of the Act of Settlement was to deal with such estates as had been confiscated to the Crown in the Rebellion of 1641, some of which had been granted to adventurers, others were supposed to have been wrongly confiscated, and others were reserved by the Crown; and the clause in that Act on which the hon. Gentleman rested as his groundwork gave to the Lord Lieutenant of Ireland the power to erect a second college, to be called the King's College, in Dublin, out of the revenues of those estates, with an endowment not exceeding 2,000*l.* a-year. But the hon. Gentleman overlooked the fact, that none of the estates of the Dublin University had been confiscated in the Rebellion of 1641, and that, consequently, no case could be made arising out of the Act of Settlement for dealing with the estates of Trinity College. Besides this, the third section of that Act contained a strong clause protective of the estates of the University as they stood in October, 1641; and the 204th section continued the University in the possession of their estates for ever. But then the hon. Gentleman rested on the other hand on the 33d George III., cap. 21, under which Roman Catholics were rendered eligible to take degrees in that University. That Act, however, contained a provision to the effect that Roman Catholics could not become members of the governing body of the College of the Holy Trinity of Queen Elizabeth, though they might of any lay body corporate, and consequently that they could not become fellows of Trinity College, Dublin. The University Commission had reported as he (Mr. Hamilton) had shown, not only that the University of Dublin was a Protestant institution, but that it was also as liberal as it could possibly be, consistently with the principles and intentions of the founder. With reference to the co-operation of the authorities of that University in the inquiry, the Commissioners further stated,—

> "From the provost and senior fellows, and all the other officers of the college and university, we received the fullest and most explicit information on the different subjects of our inquiry."

It was only right the House should be informed of the promptness of that body in facilitating inquiry. He would next quote the remarks of the Commission on the state of the University—the subject on which the hon. Member had so loudly complained. They said:—

> "We find that numerous improvements of an important character have been, from time to time, introduced by the authorities of the college, and that the general state of the University is satisfactory. There is great activity and efficiency in the different departments, and the spirit of improvement has been specially shown in the changes which have been introduced in the course of education to adapt it to the requirements of the age."

It would be found stated in page 6 of the report, that—

> "Four of the professorships which were formerly held by senior fellows, have been separated and thrown open to others, for the purpose, as the board state, of carrying out the improvements in professional and scientific education which have been introduced of late years, and are still in progress. These are the professorships of civil law, natural philosophy, mathematics, and Archbishop King's lectureship on divinity. The object of separating these offices from the senior fellowships was to confer them on persons who should have, as far as possible, no other duties."

In that manner had been carried out by the University of Dublin, anterior to the issue of the Commission, those improvements which were suggested to other Universities, with the view of stimulating education in the country. Some important improvements originated with Dr. Lloyd. One of these improvements had reference to the double lectures. Then the expenses of the Magnetic Observatory of Dublin were defrayed out of the funds of the University. A school of engineering was established, and provision made for teaching experimental philosophy, natural science, political economy, botany, natural history, and medicine; and arrangements were made to facilitate the study of the law, jurisprudence, and English law. These improvements were made irrespective of the recommendations of the Commissioners. With reference to the suggestions of the Commissioners, they made no less than thirty-four suggestions with reference to improvements in the University. The far larger proportion of these suggestions had been adopted by the authorities. Some of these were important, for instance, that which had reference to the constitution of exhibitions resembling scholarships, which were to be open to persons of all denominations. The authorities of the University, therefore, have adopted, in a greater or less degree, nearly the whole of the suggestions of the Commissioners; and a Queen's letter was now in preparation, under the sanction of the noble Lord opposite, the Home Secretary, for giving effect to them. Now this was the institution which the hon. Member proposed to subvert—an institution liberal and tolerant, as he had described it—and actively engaged in extending its usefulness. But the objection to it was, that it was a Protestant institution. For himself he would say that this was the very reason why he would resist any proposition to interfere with it. It was because he considered the University of Dublin a Protestant institution, and because he believed the Protestant institutions of the country to be the foundation of the constitution, and the surest and best means of maintaining the civil and religious liberties of this great empire, that he felt it to be his duty strenuously to oppose the motion of the hon. Member for Cork.

Mr. HEYWOOD said the practice of the present day was much modified. He had seen Catholics and Protestants sitting together amicably in Trinity College; but, if the rules of admission were looked into, they would be found so framed as apparently to exclude Roman Catholics. He would admit that the system had been much modified, but still further liberal relaxations were needed. At Trinity College, Dublin, there was a remarkable practice among Roman Catholics with respect to certain scholarships. The Roman Catholics became what was termed "quinquennials"—that is, they gave up their Roman Catholic faith for five years, in order that they might enjoy the benefit of certain scholarships, and at the end of the five years they resumed the profession of the old faith. He was in favour of further relaxation in the rules of the college, so as to give equal advantages to Roman Catholics and Protestants.

Sir JOHN YOUNG said, the hon. Member's proposition was a very simple one—it was to erect a second college in the University of Dublin, and to endow it out of the funds of the existing college. To that proposition he was directly opposed. He had heard nothing to shake his opinion that it was better to leave Trinity College as it was than to adopt the motion. He looked at the proposition of the hon. Member for Cork (Mr. Fagan) with regret, because it appeared to him to be one of a series of motions likely to lead to recriminatory debate—motions which aimed at endangering all the Protestant institutions of Ireland. He willingly admitted that his hon. Friend had stated his case in language against which no exception could be taken; but the institution against which his Motion was directed, was an establishment endowed for certain purposes, and, looking at the question in that light, he could not but deprecate the Motion and regret that it had been brought forward. With respect to the funds of Trinity College, there was no denying the fact that the funds of that college were destined to particular uses, one of which was for the inculcation of loyalty. Now he admitted that the meaning of loyalty in the time of Queen Elizabeth was somewhat different to that of the present day. In the time of Queen Elizabeth there was the Spanish invasion, and religious matters were in such a state that a true Roman Catholic could not really be loyal. The words in the charter showed conclusively that it was the intention of the founders that the college should be exclusively a Protestant institution. He would also admit that in the time of Queen Elizabeth opinions on religious matters differed with respect to England and the University in Ireland. The High-Church doctrine prevailed here, which was not far removed from Roman Catholic doctrines, but the University of Dublin held doctrines approaching more closely to the doctrines of dissent, they were nearer to the Dissenters in their doctrines than to the Roman Catholics. Nothing could be plainer, taking the Act of Charles II., and the discussions in the Irish Parliament than this, that although the intention to establish a second college might have been entertained, it was never intended to take a share of the endowments of the college and an agreement was made that there should be an endowment for a separate college. It had been suggested by an hon. Member that it was advisable to give the scholarships to all classes of religionists. In the Report of the Commissioners there was a provision which met that point. The recommendation was to increase the number of exhibitions, and to open them to all denominations. That he thought fairly met the case, and avoided the injury to the poorer class of Protestant scholars, which would arise if the scholarships were thrown open as proposed. With respect to the revenues of the college, the Commissioners certainly expected some addition to the funds, but they did not think the funds would be largely increased. It was, therefore, unlikely that the funds would be found to be very much larger than would be required for the purposes to which they were to be devoted. The recommendation of the Commissioners did not involve any fundamental changes in the University. The report was made by men thoroughly acquainted with the subject. When Sir Robert Peel's Government established the Queen's Colleges, the question of establishing a second college in Dublin University was well considered; and on the 9th of May, 1845, the right hon. Baronet (Sir J. Graham) made the following declaration:—

> "I find that Trinity College is an institution that was endowed by a Protestant Sovereign avowedly for the purpose of providing for the education of the ministers of the established religion in Ireland, and I cannot therefore consent that its property should be invaded, or the uses to which it is appropriated be disturbed."—[3 *Hansard*, lxxx. 360.]

In conclusion, he begged to say that he would be happy to assist in the establishment of a new college in Dublin if one were required; but he would not consent to endow it from the funds of the University, nor would he agree to any alteration of that institution which involved a departure from the intention of its founders.

Mr. HUME said, he did not understand that any proposition was made to confiscate the property, or to interfere with that kind of education to which the funds of the University were to be devoted. He thought, therefore, the right hon. Gentleman had quite misunderstood the purport of the Motion. He perfectly well recollected, when the Maynooth question was brought forward in the time of the late Sir Robert Peel, that the House was of opinion that the funds of the University should not be applied to the education of Catholics. He agreed with that view of the case; but that was not the proposition of his hon. Friend (Mr. Fagan). His hon. Friend said there was a sum of 64,000*l.* not wholly applied to purposes of education, and he wished the sum to be made use of for further useful purposes. The whole objection to his hon. Friend's proposition was, that the Commissioners had not made that recommendation. He really thought the matter was worthy of the consideration of the Government, especially as the affairs of the University of Oxford had come under legislative supervision. He wished to see education spread as widely as possible, and that Roman Catholics should participate in its blessings equally with Protestants.

Mr. WHITESIDE said, that whatever the words of the Motion were, the object and meaning of the Bill which the hon. Member for Cork wished to introduce was to take away the property belonging to the University of Dublin, and which was applied to one purpose, and to apply it to another purpose. That he called confiscation. In 1793, when the University agreed to an Act of Parliament to admit Roman Catholics into that institution, Mr. Grattan pronounced an eulogium on the authorities, and described it as an act of liberality which had not been equalled by any University in the Empire. But to what extent had Roman Catholics availed themselves of that privilege? The number of Catholic gentlemen of the middle classes who had an opportunity of obtaining honours in the University, and who entered themselves in the course of the year, was about twenty, while the number of Protestants who entered during the same period was from 1,500 to 1,800. He had never heard of the practice of Roman Catholics adopting the Protestant faith for five years in order to get scholarships, and after the five years returning to the Roman Catholic faith. He believed the misapprehension arose this way: If Roman Catholics, after having entered the University, had changed their religion, it would be found to have been the fruit of an enlarged education, and of a course of scientific study and of literary and classical acquirements, which necessarily opened the mind; and if gentlemen, under such enlightened influences, had ever embraced the Protestant faith, he believed the purity and strength of that faith was sufficient to rescue them from the imputation cast upon them by the hon. Member for Cork, and to prevent them from lapsing again into the Catholic faith. After having established the Queen's College for the express use of the Roman Catholics, and after having admitted Roman Catholics and Dissenters into the University of Dublin, they were now called upon to deliver over to the Roman Catholics that property which had been granted to that University by the Protestant Kings and Queens of England, for the purpose of establishing in Ireland that faith which it had maintained in its purity from the first hour of its foundation to the present day—for there were no Puseyites there, none but pure and intelligent Protestants. He did lament, therefore, that the hon. Gentleman should have been induced to bring forward a Motion which seemed to prove that there was nothing sacred, nothing ancient, nothing long-established in Ireland that could be considered safe. But suppose the hon. Gentleman succeeded in establishing his college, how was it to be governed? Was the hon. Gentleman, himself a lay member of his church, authorised to tell the House how the head of his church would permit the college to be governed? What had been the case with regard to the Queen's College? There was a Report from the president of the Galway College, which stated that the Pope had commanded the Roman Catholic vice-president and the Roman Catholic professors to abandon their duties, and they had done so accordingly. Should the hon. Gentleman succeed in his Motion, what assurance could he give to Parliament that a similar interdict would not be issued against him and the professors of his college? He could conceive no just grounds for the Motion, and much regretted that it had been made.

Mr. J. D. FITZGERALD said, if any acrimony had been introduced into the debate, the House might thank the hon. and learned Member who last addressed them. It struck him that the hon. and learned Member for Enniskillen (Mr. Whiteside), with his characteristic dexterity and boldness, had entirely misrepresented, if he did not misunderstand, the objects of the hon. Mover of this Motion. The hon. Member for Cork (Mr. Fagan) merely asked to lay upon the table of the House, for its consideration, a measure that would have the effect of opening the University of Dublin substantially to Roman Catholics; whilst, at the same time, he did not profess or intend by that measure to take away one shilling of its revenues, nay, it was rather his intention to cast a protection round the Protestant clergy of that establishment. He wished to ask what right had the hon. and learned Member for Enniskillen to call that confiscation? What the hon. Member for Cork wished to do was to establish a second college in connection with the University of Dublin, and all he asked of the House was, that he should be at liberty to introduce his Bill, and on the second reading the proper opportunity would be offered of deciding on its principle. What argument was it against the Bill to refer to other colleges, because certain college ecclesiastics had felt themselves bound, under the obligations of conscience, to withdraw? The hon. Member for the University of Dublin (Mr. G. A. Hamilton) had met that proposition by saying that it was in contradiction to the intentions of the founders of the institution. He (Mr. Fitzgerald) would try the question upon that test. What, he asked, were the intentions of the founders of the University of Oxford, or of the University of Cambridge? Would they be prepared to hand over the University of Oxford or of Cambridge to the Roman Catholics? But he would take the objects of the founders as declared by contemporary records, and would not take it from idle gossip; and he would ask the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) to turn to the charter of Queen Elizabeth, and point out one word from which it could reasonably be inferred that the Catholics were to be excluded from the benefits of the education there provided. Queen Elizabeth, with characteristic generosity, while establishing a University, gave nothing to support it, and the monastery of All Hallows, which had been granted to the corporation of Dublin, supplied the site where Trinity College now stands. So far was Elizabeth from treating Ireland as a Protestant country, that five years before the foundation of Trinity College she summoned several of the Roman Catholic bishops to Parliament. And there could be no doubt that in the beginning of the reign of James I. the majority of the corporation of Dublin were Catholics, because in that year thirteen of the Members were summoned before the Privy Council because they still continued of that religion. The hon. Member for the University had referred to the fact of the Act of Uniformity having been passed, as proving the exclusively Protestant character of the institution. That Act, however, was passed by the artifice of Mr. Stanihurst, the Speaker of the Irish House of Commons, who got together a number of Members who were favourable to it upon a day when it was expected the House would not sit. Subsequently, the Lord Lieutenant, upon being remonstrated with, promised that its penalties should not be enforced, and the Act was never put into operation during the remainder of the Queen's reign. He would, therefore, challenge any one to point out a passage in Queen Elizabeth's charter showing that it was intended to exclude the Catholics from the educational advantages of the University, and in a speech of Adam Loftus to the Dublin corporation, he told them that—

> "It would be of good acceptance to the Court, of honour and advantage to themselves, and that they need not now send their children abroad to be educated, seeing they would have a goodly University at their own doors."

As another proof, as soon as the charter was granted, the Lord Lieutenant sent a letter to the various counties in Ireland, calling upon the people to supply funds for an institution which was stated to be founded "for their children's children, and especially for those that be poor;" and history informs us that upon this the counties voluntarily taxed themselves for its support. No doubt when Pemberton became connected with the institution, the Statutes showed that those who then ruled over it intended its benefits to be confined to Protestants; but no documentary evidence of such an intention at an earlier date could be found. When the Catholics were subsequently allowed to be educated in the University, this was done because the heads of the institution knew that this would largely increase its funds. But the honours, the real emoluments, and the incentives to exertion which the University held out to Protestants, were still refused to Catholics, who were not admitted to share in one-seventh of the emoluments of the University, exclusive of the fellowships. Besides the emoluments from which Catholics were formally excluded, there were many exhibitions in connection with royal endowed schools, from which Catholics are practically excluded, because these schools being under the direction of Protestant clergymen, were only resorted to by Protestants. In fact, even the admission of the Catholics to be educated in the University was to be attributed, not to the liberality of the fellows, but to their seeing that the institution could not be maintained if they were excluded. The hon. Member for the University (Mr. G. A. Hamilton) said that this was a modest proposition to confiscate the revenues of the college. That term might be applied to the Motion if it was proposed to take away the funds of Trinity College and to apply them to some other institution, or if it was intended to change the character of the college. But the hon. Member for Cork (Mr. Fagan) had expressly said that he did not intend to interfere with the divinity class, or with the education of the Protestant clergy. All that was sought was, that while this was left untouched, the emoluments, the incentives to exertion, and the honours of the institution should be opened to Roman Catholics. No objection had been offered to their admission to the scholarships except by the right hon. Gentleman the Secretary for Ireland (Sir J. Young), who said that the scholarships were intended for the clergy; the fact, however, being that the majority of them were held by persons of other professions. There might be some difficulty in dealing with the fellows, because they were the governors of the institution; but still the Catholics might to a limited extent be admitted to the fellowships, without in the slightest degree changing the character of the University, or rendering it an unsafe place for the education of the Protestant clergy. The right hon. Gentleman the Secretary for Ireland had also said that this was one of those recriminatory attacks on the Established Church which was calculated to do mischief, because it led to fresh attacks on the other side. If he believed that this Motion was brought forward in that spirit, or that it was an attack upon the Establishment because it was an Establishment, he would not vote for it; but he believed that the Mover was not at all animated by any such intentions. The hon. and learned Member for Enniskillen (Mr. Whiteside) said that this was a novel proposition, and that when the subject was mooted in the Irish Parliament, Mr. Grattan himself opposed it. He did not know this was so, but he did know that on that occasion an Amendment to admit Roman Catholics to the fellowships and scholarships was moved by John Claudius Beresford. He most cordially joined in the high character given by the hon. Gentleman (Mr. Hamilton) to the University of Dublin; but as he had introduced the name of the late Mr. Sheil as one who praised the management of that institution, he would read a passage from one of Mr. Sheil's speeches, while he was a Member of that House, as to the mode in which the establishment was carried on. Mr. Sheil said:—

> "An Act of Parliament had been passed to appoint three professors for the University—for astronomy, history, and botany—which should be open to Protestants of all nations. Was it not a reproach to this country that natives of the land should be excluded from the honours of the only national establishment we had, when any alien or outcast, so that he was a Protestant, should be eligible?"

Mr. Sheil added, that that intolerant system—

> "tended to foster a mean, despicable proselytism, which degraded all connected with it."

It was certainly true, as had been stated, that the large majority of the persons who belonged to the college were Protestants. But why was this? Simply because, although the Catholics could be educated there, they could not be members of the governing body, or gain any of the honours of the University; and they would not, therefore, send their children to an institution where they were not on an equality with Protestants, but were simply tolerated. He would conclude by calling upon those who said that this was an exclusively Protestant institution, to prove it from the charter or any other contemporary documents.

MR. NAPIER said, he should oppose the Motion, because he thought the object and scope of it were essentially incompatible with the foundation principles of the University of Dublin. He believed that it would be found that the University had already gone to the utmost possible extent of liberality consistent with the primary and paramount object—both a lawful and a laudable one—for which it was established. Trinity College had been established after the Reformation, and was not supported out of the public funds to which all parties in the kingdom contributed, but by Royal donations, which were rather of a private than a public character; because they consisted of lands forfeited to the Crown, and which might again be given away by the Crown. It so happened, however, that the annual income of the estates so vested in the University of Dublin was less than the annual grant to the College of Maynooth. In 1793, Dr. Troy, a Roman Catholic archbishop, in referring to the facilities given to Roman Catholics for education at Dublin University, said they were not sufficient for the clergy of the Roman Catholic Church,

as the peculiar character of that Church required that their education should be separate from that of the laity. Accordingly the request of the Roman Catholics was complied with, and for educational purposes connected with their clergy, a larger grant is now made to Maynooth out of the public funds than the annual rental of the estates granted to Dublin University. The grant to the Roman Catholic Church was for the exclusive education of their clergy, and was not shared in by their own laity. The principle adopted in the education of the established clergy was a far sounder one, for the laity were admitted, and educated along with the students destined for the Church. Religious instruction was not regarded as a separate and exclusive matter for the clergy, but all students were admitted to an acquaintance with its essential doctrines. A great deal had been said about the charter which was granted by Queen Elizabeth to the University, when it was established, some time after the commencement of her reign. It must be recollected that Acts of Uniformity and Supremacy—the latter containing a clause that no person should take a degree without taking the oath of supremacy—had then been passed. Besides, look at the language of the charter. It stated that the University was founded "that they might be assisted in better learning, in the arts, and in cultivating virtue and religion." That was in the thirty-fourth year of the reign of Elizabeth; it was, therefore, clear what religion was intended. Further than this: the Fellows on being admitted, took an oath, in which they stated that they recognised the supreme authority of the Scriptures in religion, and would stedfastly oppose all doctrines against the truth of Scripture either of the Popish or of any other religion. Was not that Protestantism? But a judicial construction had been put upon the charter in a case where a Roman Catholic gentleman claiming a scholarship appealed to the visitors of the college. The learned Judge, who delivered judgment on that occasion, said:—

> "The charters of Elizabeth and Charles I., and a body of College Statutes accompanying the latter charter, clearly contemplate an institution for the advancement of religion, and in which not only all the members of the corporation, but all the persons receiving instruction, should be Protestants."

He well recollected the ability with which his hon. and learned Friend the Member for Youghal (Mr. I. Butt) had argued that case, and he considered the argument of his hon. and learned Friend well worthy of attention. The hon. Member who had last spoken had referred to the Dublin corporation as Catholic, or, as he would say, Roman Catholic, in the time of Elizabeth. He was at a loss to know how any one could believe that there was a Roman Catholic corporation in Dublin in Elizabeth's time. The hon. Member had also spoken of Catholic bishops having been summoned to Parliament in Elizabeth's reign; but they were not Catholic bishops in the sense in which the hon. Member wished the House to regard them. At the time of the Reformation there was no disruption of continuity or succession as regarded the bishops, and those bishops who had been referred to belonged not to the Roman Catholic but to the Irish Church. As respected Trinity College, the argument did not apply, because it was not founded till after the Reformation. It was established by Sovereigns who were Protestants, and was endowed for the maintenance of the Protestant faith, and for the education of a Protestant clergy. So great, however, was the liberality with which the establishment had been conducted that in course of time it was opened to Roman Catholic students. In fact, everything was opened to them except matters on the foundation. If Roman Catholics should be admitted on the foundation, the whole character of the governing body would have to be altered. It appeared, however, that nothing would content them short of equality with Protestant students. According to the doctrine in the *Dublin Review*, Roman Catholics ought to have in the new college their own chapel, equal foundations, and co-ordinate authority. Speaking from his own experience, he thought that the education of Roman Catholics at Dublin University had been productive of good results. But how could they be admitted on the foundation without destroying the character of the institution? He feared that what was aimed at was a small bit of religious triumph, and a breaking up of an institution which worked well, and which had made concessions as far as they were compatible with the object for which it was instituted. With regard to Trinity College itself, he was a little startled at an observation which he had heard from an hon. and learned Gentleman in a previous debate. He remembered that when, not long ago, he brought forward his Motion for inquiry into the Inns of Court, the hon. and learned Gentleman (the Attorney General) said that he consented because Commissions had been issued to inquire into Oxford and Cambridge, and then, turning towards him, said, "He hoped that when the time came Dublin University would have its Commission, and that he (Mr. Napier) would yield with a good grace." He then informed the hon. and learned Gentleman that Dublin University had had its Commission. He had supported that Commission with regard to Dublin University, because he knew that inquiry would show the system at Trinity College to be sound and liberal, and that it had gone far to meet all the exigencies of the time. The inquiry was accordingly agreed to, and the Report was creditable to all parties. It might be asked how it happened, after so much had been done, that the Commissioners had hardly suggested any change in the system of education at Dublin University? The reason was that Dublin University had advantages which the Universities in this country had not. In the first place, Dublin University had but one college, and was thus saved the conflicts that arose from various colleges established on different foundations, public and private. It had also large powers vested in the governing body, by which they were enabled to carry on the work of suitable and useful reform. A system of the most liberal improvement was now being carried into effect in the University of Dublin. There had already been established there a school of engineering, and it was in contemplation to create a number of new professorships. The school of divinity in the Dublin University was not inferior, he believed, to any similar institution in the United Kingdom, while it had also a professor of Irish, in order to instruct in that language those who were about to discharge the duties of clergymen in those portions of Ireland in which the people were desirous to receive religious instruction in their native tongue. A number of English students every year were candidates for honours in the Dublin University, and the Commissioners, in their Report, had stated that they had found the most liberal spirit manifested by the authorities of the University in furnishing all the information which lay in their power, and that the position of the University as an educational institution was one of the most satisfactory character. In those cases in which a student was destined for any one of the liberal professions, he was permitted by the heads of the University to select for his more peculiar study in the fourth year special departments of knowledge which might be considered as likely to prove most advantageous to him in the peculiar profession which had been made the object of his choice. The student was permitted to adopt that course in the fourth year of his University career, during which period it was sought to convey to him those general principles of useful knowledge which were supposed to constitute the soundest and best foundation for the future acquisitions which he might find it necessary to make in connection with the department in life upon which he had determined to enter. In short, by prudently blending the two antagonistic systems, the tutorial and the professorial, as far as possible together, the authorities in the Dublin University had succeeded in establishing a scheme of education which he, for one, was not ashamed to place in comparison with any which prevailed in the long-established Universities of this country, or with that which with the advantages of recent improvements had been introduced into the most modern public institutions which had been founded for educational purposes in any portion of the United Kingdom.

Upon what grounds, then, he should ask, could that House justify an interference with the existing position of the University of Dublin? In what respect had that institution been found wanting? Had not its revenues been well applied, and had it not presented to Roman Catholics as well as to Dissenters all those advantages which, consistently with the essential principles of its foundation, it was enabled to confer? The hon. Member for Cork (Mr. Fagan) desired to have the members of the Roman Catholic religion placed upon an equality with those who professed the Protestant faith, so far as the honours of the University were concerned; but he (Mr. Napier) might be permitted to ask the hon. Gentleman whether in the Queen's Colleges in which the equality for which he sought had been guaranteed, the efforts of Parliament had been successful in attaining the object which he so much desired to effect? Those colleges, which his (Mr. Napier's) Colleague and his predecessor in the representation of the University of Dublin had supported not only had not been attended with the good results which had been anticipated, but, owing to the opposition which they had met with upon the part of the Roman Catholic hierarchy and clergy, had to a great extent failed. The hon. Member for Cork proposed that the Roman Catholic archbishop should be appointed a visitor of the new college which it was the object of his Bill to establish. Now, he (Mr. Napier) happened to hold in his hand that valuable book which contained the decrees of the Roman Catholic bishops who had assembled at Thurles, with this same Archbishop as the president, and which had been printed, as the title-page announced, *jussu superiorum*. It was a work of which, he believed, it was not easy to procure a copy, but he had nevertheless been so fortunate as to obtain one. The book to which he referred had been approved of at Rome, so it might be regarded as possessing all the authority and force of Papal Statute law. Well, in that work was a chapter which treated exclusively *de Collegiis Reginæ*, which began by alluding to the authority of the Pope, and stating how difficult was the duty which he had to discharge in protecting the people of Ireland from the spread of pestiferous and poisonous doctrines. In the rescript of the Pope upon the subject of the colleges it was ordained that no Roman Catholic bishop in Ireland should take part in the government of those institutions, and that none of the Roman Catholic clergy should hold any office, or become or remain professors or deans of residence, in connection with them. The rescript further stated that any parent who should have the temerity to act in contravention of the commands of the Pope upon these points should, *ipso facto*, be subjected to the penalty of immediate suspension. With respect to history and moral philosophy it had also been ordained that no Roman Catholic was to receive instruction from a Protestant; and he must be allowed to observe upon that point, that if the history which they had that evening heard from the hon. Member for Ennis (Mr. J. D. Fitzgerald) with reference to the reign of Elizabeth and the Act of Uniformity were a sample of the history which the Roman Catholic clergy wished to have impressed upon the minds of the Roman Catholic youth, there certainly did exist a very wide difference between it and that which a member of the Protestant Church must be supposed to teach, and he could thus very well understand the objections to a Protestant professor of history, which upon the part of the Roman Catholic clergy were manifestly entertained. At the time of the institution of the Queen's Colleges, Roman Catholic pupils in those institutions were prevented from attending the lectures upon history, upon logic, metaphysics, geology, or anatomy, unless the lectures upon those subjects should be delivered by professors of the Roman Catholic persuasion. Now, how was it possible, he would ask, while such a state of things but too clearly prevailed, to have that equality in the education of the youth of the country which the hon. Member for Cork seemed so anxious to attain? Why, in those very colleges in which the principle for which the hon. Member contended had been established, the attendance of Roman Catholic students had by the clergy of that Church been most unequivocally denounced. In the University of Dublin, Roman Catholics enjoyed as much of equality as, consistently with the essential principles of that institution, it was possible to confer upon them. But then it was sought that Roman Catholic students should have their own chapels and professors of their own persuasion. Then the question clearly resolved itself into one by which it was demanded that the principles upon which Trinity College had been founded should be annihilated, and that its resources should be applied to purposes which had never at the period of its origin been contemplated? He would ask the House, whether was it wiser to continue an institution where admission was freely offered to the Protestant clergy and laity, and also to the Roman Catholic laity, or to break up the college altogether, and leave the endowments to be struggled for between the two religions? With respect to the number of Roman Catholic students who availed themselves of the advantages which the University of Dublin held out to them, he should observe that when it was taken into consideration that the course of education at that University entailed upon the pupils much greater expense than they would have to incur at the Queen's Colleges, or other institutions of a similar character, and when the proportion which the property of Ireland in the hands of Protestants bore to that which was in the possession of Roman Catholics was taken into account, it would be found that the relative numbers of Protestants and Roman Catholics in Trinity College was very much in accordance with that proportion. But let that be as it might, the fact of a greater or a less number of Roman Catholics availing themselves of the benefits of a University education furnished no argument for the destruction of an ancient and meritorious institution. The hon. Member for Cork had remarked, that by the members of the two Universities in this country, Trinity College was designated by the appellation of the "silent sister." Now, he might be allowed to say that a little discreet silence was no bad qualification in an Irishman. But in reply to the slur which by the term "silent sister," seemed to be cast upon Trinity College, he should observe that in that University the number of fellows, as compared with the number of students, was not large, and that those who were tutors led in general a life so laborious, that they had but little time at their disposal for the purposes of authorship. Their duties were of a character the most severe, and having struggled hard to obtain that knowledge which was requisite, in order to become successful candidates at the fellowship examination, they had to enter upon their tutorial labours—labours which were of no light character, and which being interrupted only by a vacation shorter than that which barristers enjoyed in autumn, doubtless deprived them of that elasticity of mind which was necessary to enable them to undergo the fatigues of which authorship must be accompanied. Notwithstanding those impediments to which he had referred, hon. Members would find that the fellows of the University of Dublin had contributed in no slight degree to the useful learning of the country. They might find among "The Transactions of the Royal Society," that some of the ablest papers in the collection had been furnished by men connected with Trinity College. He might refer both to the living and the dead. He believed that in the Universities of Oxford and Cambridge might be found in use the mathematical work of a member of the Irish University—he meant Mr. Salmon; and in one of its fellows—Dr. Hincks—he felt assured the hon. Member for Aylesbury (Mr. Layard) would bear him out in the statement he was about to make, the country possessed a man who had distinguished himself in the highest degree in connection with the deciphering of the cuniform inscriptions. He might also, with some pride, mention the names of Robinson and Lloyd. That being the case, then, he saw no reason why he should be ashamed of the position which the University of Dublin maintained in the domain of science or of literature. He did not seek to put forward upon behalf of that institution any claims which he was not of opinion that he was justified in setting forth. He should refer the House to the report of the Commissioners in corroboration of much which he had stated. One of the members of that Commission was the present Chancellor of Ireland, and Dr. Longfield, one of the Commissioners of the Encumbered Estates Court—a man who entertained the most liberal views. Those distinguished persons had given it as their opinion that the University of Dublin was decidedly a Protestant institution, and that it was desirable it should be allowed to carry on its system of education in the same spirit in which that system had begun. The noble Lord the Secretary for the Home Department had received a communication from the Board of Trinity College, in which they dwelt upon the subject of the further improvements in the course of instruction which they were willing to introduce. They had expressed themselves as being willing to increase the sum for exhibitions, and to make those exhibitions substantial, and open them to Roman Catholics. They were willing, instead of having the professorships in the University confined to Protestants, to extend to Roman Catholics the privilege of discharging the duties of those offices; and he might observe that the gentleman who at present filled the chair of professor of political economy in that University was a member of the Roman Catholic persuasion. The Board were prepared, also, to permit foreigners to take degrees without subjecting them to the necessity of taking either the oath of supremacy or allegiance. A school of practical engineering had been founded in the University; lectures upon botany and agriculture were delivered there; and with regard to the study of law, improvements the most important were likely to be introduced. The utmost willingness, in short, had been exhibited upon the part of the Board to meet the exigencies of the times, and the utmost liberality had been displayed by them in admitting both Roman Catholics and Dissenters to a share in all the advantages which, in the shape of a good education, it was in the power of the University to confer. He trusted that the observations which he had deemed it to be his duty to offer to the House were such as they would deem sufficient to justify them in resisting the Motion which had been made that evening by the hon. Member for Cork. He stood before them as the advocate of the rights and interests of the University of Dublin; and he felt assured that in defending these rights and interests he should have the co-operation and support of the British House of Commons.

MR. HEYWOOD said, he wished to explain, in reference to some observations which had fallen from the right hon. and learned Gentleman who had just sat down, that in the *History of the University of Dublin*, which had been written by Mr. D. C. Heron, it was stated that the term *quinquennials* was applied to those parties who, being Roman Catholics, had professed themselves members of the Protestant Church for five years, in order to enable them to compete successfully for University scholarships.

MR. NAPIER said, it was quite new to him, but he must add that many statements which had been made in Mr. Heron's work had been contradicted by the Commissioners in their Report.

MR. I. BUTT said, that before the hon. Member for Cork replied, he was anxious to say a few words. He would be quite content to leave the defence of the University of Dublin to the very able and temperate speech which had just been delivered by his right hon. Friend; yet, being the only Member of the House who had been, if he might use the expression, officially connected with that University—having had the honour for some time of filling one of its professorships—he was unwilling to permit the discussion to close without offering a few observations upon some matters not mentioned in the debate. As to the expression *quinquennes*, he must say he had never heard it—he had been a resident student in the University—he had been one of the scholars—he had then for five years been a professor—he had been in constant intercourse for many years with his fellow-students, and he had never heard of the phrase, and, he must add, that during all his personal experience of the University, he had never known a single instance of a Roman Catholic who abandoned his religion for the sake of obtaining a scholarship. He must now ask the attention of the House to the real question which was raised by the Motion. It was not whether scholarships and professorships should be thrown open to Roman Catholics,—but it was whether in order to create scholarships and fellowships that might be so open—the whole system of the Dublin University should be broken up. The proposal of the hon. Member for Cork was to establish in the University a second co-ordinate college, and to endow that college by taking away half the revenues of Trinity College. He (Mr. Butt) could conceive persons anxious to see Roman Catholics admitted to the fellowships in the University, but who would not consent to attain that end by breaking up our whole University system. The proposal to deprive Trinity College of one half of its revenues for the purpose of endowing with them a second and an antagonistic college, he must call one of confiscation. But this, at all events, was plain, that this was totally to break up all the existing arrangements of the University. Now, he asked of those who, like the hon. Member for North Lancashire (Mr. Heywood), bore testimony to the excellence of that system, would they support a Motion which must, if successful, break it up? It was one thing to wish for the admission of Roman Catholics, and quite another thing to be ready to destroy the existing system for the purpose of accomplishing that object. But what was the amount of exclusion to which Roman Catholics were now subject? This should be clearly understood. In Dublin University, unlike the English Universities, no religious tests were imposed either at entrance or as a qualification for degrees. Roman Catholics, therefore, were freely admitted to education—they received that education without the slightest attempt to interfere with their religious profession—and—he said confidently, without ever being made to feel the slightest discomfort on account of their religion in their intercourse either with their fellow-students or the authorities of the college. To all that really constituted the advantages of education the University freely admitted them — they competed for its honours—they received all its instruction —and the Roman Catholic and the Protestant who sought an education in the University, for the purpose of qualifying them for the labours of a profession or the duties of after-life, left it with precisely equal benefits. More than this—there was an institution established for the purpose of giving gratuitous education and support to young men of merit and limited means—an institution, let him say, that had supplied some illustrious names to Ireland, and to these sizarships the Roman Catholic of struggling merit, and of the humblest origin, was as freely admitted as the Protestant of the same class. So far, then, as the benefits of education were concerned these benefits were equally open to all. But the complaint was, that Roman Catholics were excluded from fellowships and scholarships. The fellows and scholars formed by their charter the corporation of the college. But the scholarships were practically nothing more than an exhibition of about 50*l.* a year, held for five years, and given as a reward for classical attainments. Now, he (Mr. Butt) said at once that he would much prefer that Roman Catholics should be admissible to such places, and if they were now for the first time establishing such an institution in the University, he would cheerfully consent that it should be open to all. But this was not the question with which they had to deal; and when he weighed against the advantages of admitting Roman Catholics to scholarships, the disadvantages that must always attend the violation of old-established principles, the breaking in upon long-cherished feelings, and the danger of diverting funds long devoted to Protestant purposes, he (Mr. Butt) must on the whole believe that the object ought to be attained, not by interfering with the existing scholarships, but by establishing, as had been recommended by the Commissioners of Inquiry, new exhibitions, to which students of all persuasions should be eligible. As to fellowships, this involved the whole principle of maintaining the Protestant character of the University. He avowed his deep persuasion that the attempt to establish educational institutions which would fulfil the higher purposes of such institutions, and in which at the same time, all religions should be placed upon an equality, was an impossibility. It was quite another question whether it was not possible to admit into a University, whether Protestant or Roman Catholic, such a spirit of wise toleration that, while it preserved its essentially religious constitution, it might yet extend the blessings of education to all. This they had accomplished in the University of Dublin. But to have a University take its place among those ancient and venerable institutions, it must have a religious constitution. He did not discuss whether the attempt to form one on the basis of the equality of all religions was right or wrong—it was impracticable and absurd. Such an institution could gather round it no attachment or respect —it could be regarded with no veneration, and by those educated in it it could be remembered with no affection. To any attempt then to destroy the Protestant character of the University, he must give his most determined resistance. But, he must still ask for what object were they to do this? The hon. Member for Cork, who had brought forward this subject in a spirit of which no one could complain, desired to establish a college in which there should be no religious ascendancy, with a view of satisfying the Roman Catholics. It would not do so. Such a college would be denounced by the Roman Catholic hierarchy of Ireland. He did not wish to involve the hon. Member in the penalties of an excommunication, but he must ask him had he never heard of the decrees of the Synod of Thurles? The hon. Member proposed that a Roman Catholic archbishop should be visitor. He would find no Roman Catholic archbishop to accept the office. The decrees of that synod expressly forbade it. And if they acceded to the Motion of the hon. Member, they would find this new institution denounced with an hostility which had never been shown to the Protestant establishment of Trinity College; and that this attempt to conciliate had ended as such attempts generally did, in throwing new elements of discord into a country in which heaven knows they have enough of them already. No matter what might be the opinions of hon. Members, he (Mr. Butt) earnestly appealed to them not to sanction this project, which was sure to fail in attaining the very object at which it aimed. There was still one point to which he wished to advert. If he had rightly understood what fell from his hon. Friend the Member for Enniskillen, it was necessary to correct an error into which he had fallen. It was not true that the Roman Catholics of Ireland stood aloof from Trinity College. On the contrary, the proportion of Roman Catholic gentlemen who sent their sons to the Dublin University, was quite equal to that of Protestants. It certainly was so up to the issuing of the decrees of the Synod of Thurles. He (Mr. Butt) was able to state, upon the highest authority, that for many years the proportion of Roman Catholics to Protestants entering the University, was about one-tenth. Of the latter, a considerable number were the sons of clergymen. In comparing the numbers, these must be deducted, as there was no corresponding source of supply upon the other side, and, taking the rest of the students, it would be found that the proportion of Roman Catholic students was at least as great as the proportion of the professors of that religion among the classes likely, from their position in society, to send their sons to a University. He believed Roman Catholic gentlemen sent their sons to the Dublin University quite as generally as the Protestants. In the last two or three years, since the promulgation of the decrees of the Synod of Thurles, there had been a slight falling off in the number of Roman Catholic students. [Mr. Lucas: Hear, hear!] The hon. Member for Meath might rejoice at this. He (Mr. Butt) looked upon it as a calamity—he should deeply regret that it should continue. In the kindly intercourse of early education with his Roman Catholic fellow-students, he said for himself, that he had learned much which he would not willingly forget, and, while the remembrance of that intercourse did not make him a worse Protestant, he believed it made him a better man. Both for the sake of the Protestants and the Roman Catholics of Ireland, he would deplore the cessation of that intercourse in the University, which upon both exercised the most useful influence. These were the few observations with which he thought it necessary to trouble the House. He confidently trusted that the House would not lend to this attack upon the University of Dublin even the sanction that would be implied in permitting the Bill to be brought in.

Mr. GEORGE said, though he had never held an official appointment in the University, yet as one who had graduated there, he could not give a silent vote on this occasion. Whether this measure was one of recrimination or not, it was certainly in his view a measure of spoliation. Though the University had wisely opened honours for all temporal purposes to all classes and creeds, yet he hoped the day would never come when a single shilling which had been devoted to special purposes would be diverted from those purposes. He must say that, though the Roman Catholics had now obtained the virtual control of three-fourths of all the funds devoted to educational purposes in Ireland, still he had not found, especially since the Statutes of Thurles, that they availed themselves of those advantages; and he believed that no person connected with their creed would ever permit mixed education, and he might remind them that in the College of Galway the Roman Catholic clergy had been compelled to abandon their places and to draw away with them a large portion of the Roman Catholic youth.

Mr. P. O'BRIEN said he must deny that the object of the Bill was spoliation. The object, as he understood it, was to carry out the original intention of the founders of the college, which was to provide for the education of the country generally, and though the founders might wish to carry out their general views by sectarian means, yet he thought the present generation ought not to lose sight of the end in the means. He was ready to corroborate the statement of the hon. and learned Member for Youghal (Mr. I. Butt). During the short period he (Mr. O'Brien) was at the University, the best and kindest feeling existed between the different classes of students. But still there were grievances that notoriously existed. Allusion had been made to Mr. Walsh holding the professorship of political economy; but it ought to be remembered that the salary of that appointment was only 100*l.* to be held for five years, and the professor was put to the cost of publishing his own lectures. In conclusion, he was quite certain that his hon Friend the Member for Cork (Mr. Fagan) was not actuated by any intention to destroy, but rather to reform, a University which he was free to admit had evinced a greater disposition to conform to the existing spirit of the age than the two English Universities.

Mr. FAGAN, in reply, said that as the Government had shown a determination to support the Members for the University of Dublin against his Motion, he should not divide the House, but wait for a more favourable opportunity of pressing the subject. He had no reason to complain of this discussion. His anxiety had been now to make a beginning on this question, and to hear the sentiments of the Government upon it. He had been disappointed in the speech of the right hon. Secretary for Ireland, for he did not go so far as the Provost of Trinity College himself, who wished to open scholarships to Roman Catholics and Dissenters, while the right hon. Gentleman wished to confine those classes to exhibitions only, which would not satisfy the Roman Catholics and Dissenters of Ireland. He (Mr. Fagan) denied that his Motion was brought forward in a recriminatory spirit; but as public attention was now turned to University reform, he thought it was a proper time for some Irish Member to state his views with regard to the great national establishment in Ireland; and if he did propose that a second college should be added to the University, he did it with a view only of keeping Trinity College apart for the education of the Protestant clergy, instead of the scholarships and professorships being thrown open indiscriminately. He made his Motion in no spirit of spoliation, but in a persuasion that the University was intended for the education of the whole people of Ireland.

Question put, and *negatived.*

CRIMINAL CONVERSATION.

Mr. BOWYER moved for leave to bring in a Bill to amend the law regarding actions for Criminal Conversation, and for the protection of women in such actions. He said the social and moral importance of this Motion required a degree of ability and authority in that House which he did not possess. But though he felt the difficulties of the task he had undertaken, he should not shrink from its performance, because he entertained a strong opinion that the subject ought to be brought before Parliament, for the purpose of removing a great blot upon the jurisprudence of this country. The law of England differed with regard to the mode of treating the offence of adultery from the law of every other country in Europe. By the Roman law adultery was punished as a criminal offence; ecclesiastical law also treated it as such; and, in all countries whose jurisprudence was founded upon the civil law, adultery was punished criminally. The law of England in relation to this offence was thus stated by Blackstone:—

> "Adultery or criminal conversation with a man's wife, though it is, as a public crime, left by our laws to the coercion of the spiritual courts, yet, considered as a civil injury (and surely there can be no greater), the law gives a satisfaction to the husband for it by action of trespass *vi et armis* against the adulterer. wherein the damages recovered are usually very large and exemplary."

In the year 1650, during the existence of the Commonwealth, adultery was made a felony; but, upon the Restoration, the laws passed during the Commonwealth were annulled, and this was never subsequently renewed. Consequently, ever since the Commonwealth, adultery had not been a criminal offence. It had been treated only as a civil wrong, to be compensated by damages. Now, he submitted, in the first place, that the fact of the law of England differing on this subject from the law of every other civilised country, including that of the sister kingdom of Scotland, was strong presumptive evidence of its being wrong. We had the opinion of all civilised nations solemnly recorded in their laws, and their opinion was against the state of the law in this country. The law of the Established Church and that of the Roman Catholic Church was diametrically opposed to the law of England on this subject, whilst we all knew that actions to recover damages in such cases were continually made the subjects of bitter reproach against this country by foreigners. It really seemed incredible that wrongs of this sort could be brought to the test of pecuniary compensation. Feeling and honour were alike opposed to the practice, for it made the reputation of matrons and the peace of families a matter of nothing more than pounds, shillings, and pence. Indeed, he was confident that such actions would not be brought at all, or only in a very few instances, if they were not by the practice of Parliament made a necessary preliminary to obtaining relief by a preliminary verdict. This practice gave rise to gross and serious evils. Cases, for example, were by no means unfrequent of collusion between the husband and the wife for the purpose of proceeding for a divorce before Parliament; and another abuse, by no means unfrequent, was that of an unprincipled husband availing himself of the degradation of his wife, either for the purpose of obtaining abundant damages, or a consent to a lucrative compromise. The consequence of such a state of the law was that practically these actions were an abomination to honourable men. They were a species of proceeding against which the minds of men of honour revolted; and those men only resorted to it because they were driven and obliged to go through the ordeal for the purpose of obtaining a Parliamentary divorce. In point of fact, they were only voluntarily used by daring unprincipled men. On this subject he need only refer to the authority of Lord Erskine because of all the lawyers which this country had ever produced there never had been one more successful in this species of proceeding. Yet, with all his success, he looked upon these cases with something like abhorrence :—

> "It is impossible to put the argument in mitigation of damages in plain English, without talking such a language as appears little better than an insult to your understanding, dress it up as you will. But it may be asked—if no money can be an adequate or indeed any compensation, why is Mr. Markham a plaintiff in a civil action? Why does he come here for money? Thank God, Gentlemen, it is not my fault. I take honour to myself that I was one of those who endeavoured to put an end to this species of action, by the adoption of a more salutary course of proceeding. I take honour to myself that I was one of those who supported in Parliament the adoption of a law to pursue such outrages with the terrors of criminal justice. I thought then, and I shall always think, that every act *malum in se* directly injurious to an individual, and most pernicious in its consequences to society, should be considered to be a misdemeanor. Indeed, I know of no other definition of the term. The Legislature, however, thought otherwise, and I bow to its decision; but the business of this day may produce some changes of opinion on the subject."

Lord Erskine, therefore, was clearly of opinion that the state of the law in these cases was greatly to be deprecated; but his clients resorted to it because they had no choice. In devising a remedy for this great defect in the law of England, two courses were open to him. He might have proposed a Bill making the offence a misdemeanor. This course would have been exceedingly consistent, for it would have assimilated the law of England to the law of all other civilised countries — to the Jewish law, to the law of the Established Church, and to the law of the Roman Catholic Church, in countries where that Church was established. But it appeared to him probable that the House would hardly be prepared for so great a change; and therefore, after mature reflection, he had thought it best to propose no greater alteration than was absolutely necessary for the purpose of removing the evils and blots which he had just pointed out. He proposed, then, that in future no damages should be given in any action for criminal conversation, and that, upon a verdict being found for the plaintiff, the Court should be empowered to impose a fine upon the defendant. No doubt it might be objected that this would be mingling a species of criminal with a civil proceeding; but when the Bill came to be considered in Committee, he thought it might be desirable to consider whether, in the place of this civil proceeding, an indictment might not be advisable. If any hon. Member proposed the substitution of an indictment for an action in cases of criminal conversation, it would be for the House to decide; but at present he thought it right to confine his attention to such alterations as appeared to him absolutely necessary for the purpose of remedying that which seemed to him a very great defect. He now came to the second part of the measure, namely, the protection to be given to women in such actions. In all such actions, the defendant was the person charged with having committed the offence; and, although the wife was upon her trial, and its issue might involve her utter ruin and destruction, she had no part in the proceeding. She was not heard at all. Between the husband and the defendant the question substantially was a question of money; the husband wished to obtain as high damages as he could, and the defendant, naturally enough, desired to diminish those damages. It was, therefore, between them, a question of money; but with the woman it was one of destruction and ruin. He would not discuss the severity of society in these cases, except so far as to say that in many instances it was carried further than humanity would warrant, and that it rendered the position of a woman, subjected to proceedings of this sort, one of most serious danger. The most abominable charges might be brought against her by witnesses in the action, and enforced by all the eloquence and ingenuity of counsel; she might thus be held up to the world as a being utterly degraded; yet she was neither allowed to produce a single witness, nor to say a single word, either in vindication of her innocence or in mitigation of the imputed guilt. There were many cases in which defendants might be advised that upon the whole the best course was to submit to judgment by default, and attempt to mitigate the damages before the sheriff upon a writ of inquiry. But the woman could have no part in these proceedings. The defendant might not care for the verdict; his habits, character, and associates might be such that a verdict against him would be a trifle; in some cases, indeed, he might be proud of it. But with the woman the case was far different; with her the question was one of life or death; yet she could not be heard. In many cases the interests of the defendant and the woman might be antagonistic, yet she could not be heard. Blackstone mentioned, as one of the circumstances in mitigation of damages, the previous character of the woman. If that previous character were bad, the injury to the husband would be less. Thus, it was the interest of the defendant to run down the character of the woman in order to diminish the amount of damages. His interest was therefore antagonistic to that of the woman, yet she could not be heard. It might be, too, that it was the object of the husband to procure a divorce, and for this purpose he might collude with the defendant. In this way the interests of the woman might be sacrificed, yet she could not be heard. There was a passage on this subject in Lord Brougham's speech in 1834, on the Custody of Infants Bill, which deserved attention:—

> "Adultery was as much a crime in man as in woman; it was denounced by the laws of God in both, and equally reprobated by the laws of the land in principle, though not equally punished. If the wife made a slip, and forfeited the allegiance to her husband which she swore when she took her marriage vow, an action for damages against her paramour was instantly brought, and in that action the character of the woman was at immediate issue, although she was not prosecuted. The consequence not unfrequently was, that the character of the woman was sworn away; instances were known which, by collusion between the husband and a pretended paramour, the character of the wife had been destroyed. All this could take place, and yet the wife had no defence; she was excluded from Westminster Hall, and behind her back, by the principles of our jurisprudence, her character was tried between her husband and the man called her paramour."

This passage established the whole of this portion of his argument. He took his stand, however, not upon particular cases, but upon general principles. The general principles of our jurisprudence was to condemn no one unheard. This, indeed, was a principle of Divine law; and Lord Chief Justice Eyre, making use of a scriptural illustration, said that even Cain was called upon for his defence. Even the Omniscient God said, "Cain, where is thy brother?" and heard his answer. The principle was founded upon Divine justice, and upon this he rested his case. By the present law the woman was condemned unheard; and it was quite astonishing that such an anomaly should have so long existed in the laws of a civilised and Christian country. He would now tell the House the remedy which he proposed to apply to this great and crying evil. First, he proposed that no action for criminal conversation should be brought without notice being given to the wife of the plaintiff; if she could not be found, such notice to be left at her last known place of residence. She should have ten days to decide whether she would appear or not; if she gave notice of her intention to appear, then she was to receive the same notice of all the subsequent proceedings in the suit to which the defendant was now entitled. In fact, she was made substantially a defendant. On the trial she was to be entitled to appear by counsel and to call witnesses, and she would have the same means of enforcing the attendance of witnesses and the production of evidence as the defendant. By such means she would be enabled to make her defence. If the defence was not successful, she would at least be able to place her conduct in a more favourable light than if she had been tried behind her back. The case would thus be fairly before the court, the risk of collusion would be diminished, and the woman would be a party to the proceedings. He had now stated the provisions of the Bill, and if the House consented to its being laid upon the table, he should then propose that it be printed, in order to its being fully considered in the forthcoming vacation, and on the understanding that the decision of the House should be taken upon it on the Motion for the second reading. The hon. and learned Gentleman concluded by moving for leave to bring in the Bill.

MR. COBDEN seconded the Motion.

MR. FITZROY said, he wished his noble Friend at the head of the Home Department had been in his place, to explain to the House the views which he entertained on the important subject which had been introduced by the hon. and learned Member for Dundalk (Mr. Bowyer). His noble Friend had been in attendance the greater part of the evening for that purpose; but at that moment, not expecting the Motion of the hon. and learned Gentleman would be brought on just then, was temporarily absent. He (Mr. Fitzroy) could, therefore, simply state, on his behalf, that the change which was now proposed to be introduced was of so very large and important a character that, in agreeing to permit the introduction of the Bill, it was not to be understood that the Government adhered to its principle in any way. At the same time, with regard to a measure of this kind, which was brought forward by a Gentleman of such great legal experience and knowledge as the hon. and learned Member, and on a subject with reference to which the present state of the law was admitted to be unsatisfactory on all hands, the Government did not wish to throw any impediment in the way of reasonable reform; but it was most important that the House should have a full opportunity of considering the provisions of such a Bill. There could be no diversity of opinion whatever with regard to the question of damages in actions for criminal conversation being one which was exceedingly revolting to every honourable mind; and the compensation rendered to wounded feelings being made very often a matter of pounds, shillings, and pence, was very unsatisfactory, whilst it must be odious to every well-regulated mind. Under these circumstances, he had no objection, on the part of the Government, to assent to the introduction of the Bill.

Leave *given;* Bill ordered to be brought in by Mr. Bowyer and Mr. Cobden.

POSTAL COMMUNICATION (ARRAN).

MR. BELLEW said, he begged to move that a humble Address be presented to Her Majesty, praying for the establishment of postal communication with the islands of Arran. These islands were situated on the west coast of Ireland. During the recess he had received a deputation from these islands, stating that they had no regular or authorised postal communication, and setting forth the very great inconvenience to which the inhabitants were put for the want of the same. He had sent the statement that was made to him to the noble Lord the Postmaster General, and he had received a letter in answer, stating that, after due consideration, the matter could not be interfered with. He did not, however, consider this in any way a satisfactory answer, particularly after he had been given to understand that the whole expense of a weekly communication to the districts referred to would only cost about 17*l.* a year. It was quite true that these islands did not geographically occupy a position of any great importance, but the population of them was upwards of 3,000, and therefore, considered numerically, if in no other way, they were entitled to the relief they sought.

MR. FRENCH seconded the Motion.

SIR JOHN YOUNG said, he must beg to inform the House that the Postmaster General had recently instituted an inquiry into the means of giving additional postage accommodation to the islands of Arran, in compliance with a memorial addressed to him, which represented that they contained a population of 3,000 and upwards, including three clergymen, a magistrate, a lighthouse, and a coast guard. The result of that inquiry had been that the Postmaster General found that the cost of sending a boat with letters from the main land to the islands of Arran twice a week would be 38*l.* per annum, and once a week 26*l.* per annum, whilst the estimated revenue from the transmission of letters to and from thence would only be 9*l.* 15*s.* a year, showing that the Post Office would sustain a considerable loss by keeping up a regular postal communication with those islands. But that was not the only ground on which he (Sir J. Young) resisted the present Motion. The question of giving postal accommodation by sea to adjacent islands was attended with some difficulty. It not only involved the islands of Arran, but also those of Jersey and Guernsey, and several others, and the Government felt that they could not comply with the request of the people of Arran without likewise affording similar facilities to the inhabitants of other islands.

Mr. FRENCH said, he must protest against such a refusal, as it, in fact, amounted to, on the part of the Postmaster General, which he considered most unjustifiable. If any town in England with a population of 3,000 was denied the advantages of the postal communication which was now asked for by those places in Ireland, he believed that hon. Members on both sides of the House would rise in arms against such an injustice.

Mr. BAILLIE said, that without knowing any of the particulars of the case under discussion, he merely rose to express his disapproval generally of the doctrine of not affording postal communication to a place because it would not pay. He thought such a notion narrow and illiberal. With such an income as the Post Office had, he thought every town, without distinction or favour, ought to have proper postal communication. He had on a former occasion brought a similar matter before the House, and he trusted the Government would give the subject their serious consideration.

Sir FRANCIS BARING said, that, like the hon. Member who had last spoken, he knew nothing of the facts of this case, but considered that it was no sufficient answer to such a Motion as the present to say that to extend the advantages which were sought by these islands would not pay. The Post Office was supposed to furnish to the public at large the advantages of general communication throughout all the country, and particular places were not intended to be more favoured than others; but, on the contrary, the implied advantage of the system was its general diffusion and applicability. He must protest against any adoption of exclusiveness in connection with such a subject.

Mr. H. HERBERT said, he was glad to hear so great an authority as the right hon. Baronet the Member for Portsmouth assert that to say so and so would not pay was an improper answer to make in such a case as this. He believed that the system of postal communication was most inefficiently managed, especially in Ireland, and that not only in obscure parts of the same, but even in such a highly-civilised county as Carlow, from which place he had received a letter only two days ago, stating that the inhabitants would be in a better position, as far as postal communication was concerned, if they were restored to the same state as they were in ten years ago, before railways were introduced, when they had their stage-coaches and postage accommodation upon which they could depend. He should support the Motion before the House, which he thought it most unjust and illiberal to refuse.

Motion made, and Question put—

> "That an humble Address be presented to Her Majesty, praying for the establishment of Postal Communication with the Islands of Arran, West Coast of Ireland."

The House *divided*:—Ayes 92; Noes 80: Majority 12.

THE SLAVE TRADE.

Sir GEORGE PECHELL said, he would now beg to move the Address of which he had given notice for a return of slavers captured from the 1st of January, 1853. The House appointed a Committee last Session to inquire into the amount paid by this country for the suppression of the slave trade, and the manner in which the various treaties existing on the subject were carried into effect. That Committee, after obtaining very valuable evidence, came to the unanimous conclusion that Spain ought to be required, as far as possible, to carry out the treaties into which she had entered with this country for the suppression of the slave trade. The Government of Brazil had already yielded to the representations made to them by Her Majesty's Government, and a very competent witness—a Brazilian—who was examined before the Committee, stated that the suppression of this disgraceful traffic was as popular in Brazil as the question of the repeal of the Corn Laws had been in this country. It was shown, however, before the Committee, that the continued existence of the slave trade was mainly attributable to its encouragement in the island of Cuba, for, though the Captains General of that island had professed to endeavour to carry out existing treaties, it was notorious that they had connived at the landing of slaves. It was stated by Captain Hamilton, one of the witnesses examined before the Committee, that, in his opinion, if the slave trade with Cuba could be prevented, the whole of our cruisers on the coast of Africa might very safely be withdrawn. The present Captain General of Cuba, since the Report of the Committee had reached him, had expressed his determination to use all the exertions in his power to put a stop to the slave trade. He (Sir G. Pechell) thought, then, that this was the time for Her Majesty's Government to take the Captain General at his word, and to test his sincerity by keeping up the small naval squadron stationed on the shores of Cuba. In 1852 this country had upon that station, according to the returns laid before the House, six sailing-vessels and four steamers, which would be amply sufficient to suppress the traffic, if they were properly managed; but in this number was included the flag-ship, a vessel of 74 guns, which, instead of remaining on the Cuba coast, was at Halifax during one-half of the year, and at Bermuda during the greater part of the other half-year. He (Sir G. Pechell) hoped that the squadron would be maintained on the coast of Cuba, and that it would be placed under efficient superintendence. 3,981,941*l.* had been laid out by this country, besides the expense of the cruisers, to put down the slave trade. He thought, considering the great expense which had already been incurred, and also the fact that the slave trade was now confined to the shores of Cuba—he thought it not too much to impress upon the Admiralty the propriety of not withdrawing any of the vessels from the station, especially as this could be done without in the least degree interfering with the efficiency of the fleet in the Black Sea under Admiral Dundas, and in the Baltic under Admiral Napier; and he trusted that the Government would show that this country would be able, not only to combat the Emperor of Russia, but also to carry out the unanimous wishes of this country, by supporting a powerful fleet for the suppression of the slave trade in Cuba.

MR. HUME seconded the Motion. He said, it was highly creditable to Brazil that she had put an end to the practice; but he was sorry to say, however, that large numbers of slaves were landed in Cuba in the course of last year, and that this was perfectly well known to the Spanish Government. He believed that there were parties of great influence at Madrid, who were mixed up in the transactions, and profited greatly by them. He, therefore, hoped that measures would be taken by the English Government to enforce the treaties which had been made with Spain.

MR. BAILLIE said, he should support the Motion, and he trusted the Government would take that opportunity of giving some information to the House as to the extent of the slave trade which was carried on at the island of Cuba. They had heard a great deal about the profligacy and faithlessness of Governments, but if any Government merited those terms being applied to it, it was that of Spain, which had for a long series of years systematically broken treaties on the subject of the slave trade. He trusted that there would be no interference on the part of our Government to prevent that blow falling on Cuba which now seemed probable, namely, the passing of the island into the hands of the United States, which was far preferable to its remaining to be a disgrace to a European Power.

SIR JAMES GRAHAM said, that there could be no doubt that the opinion expressed by the Select Committee which recently sat upon this subject was one which was universally concurred in throughout the country. He had great pleasure in informing the hon. Baronet, that although at the present moment great exertions were necessary in order to carry on the war in which the country was engaged, he had not thought it consistent with his duty in the least degree to relax the efforts made both on the coast of Africa and on the coast of Cuba, in order to suppress, by an efficient naval force, this most odious and nefarious traffic. He had also much pleasure in stating that, owing to the extremely friendly relations of this country with the Government of the United States, the line-of-battle ship referred to by the hon. Baronet, bearing the flag of Admiral Seymour, had to-day arrived at Spithead, and would, he hoped, within forty-eight hours, be on its way to join Admiral Napier's squadron in the Baltic. The line-of-battle ship which was intended to have replaced that flag-ship on the station was already in the Baltic. Though this had been done, he did not believe that any diminution in the number of cruisers both on the coast of Africa and Cuba would be necessary. He had hitherto been enabled to maintain an undiminished force on the coast of Africa, and considerable exertions had been made towards putting an end to the state of things in regard to slavery which existed at Lagos. To the infinite credit of the Government of Brazil, a cordial co-operation had been given by them to the exertions of this country to put an end to the slave trade, and the principal cause of the continuance of the odious traffic was to be traced to the conduct of the Spanish authorities at Cuba. The noble Earl the Secretary of State for Foreign Affairs, in conjunction with Lord Howden, the British Minister at the Court of Madrid, had addressed strong representations and most urgent solicitations to the Spanish Government to take effective measures for procuring that suppression which was so much to be desired. He regretted to say that those representations had not been hitherto so efficacious as was to have been desired. He could not, however, concur in the desire expressed by the hon. Member for Inverness-shire (Mr. Baillie), that Cuba should pass from the possession of the Spanish Government to that of another Government where slavery was not altogether suppressed. At any rate, he was certain that he expressed the settled determination of Her Majesty's Government that no effort should be omitted upon their part in order to maintain a sufficient squadron upon the coast of Africa and Cuba, and to make more urgent representations, if possible, to the Spanish Government, in order to obtain that result which we were so well entitled to expect after the great expenditure of treasure and the loss of many most valuable lives, and in pursuance of most positive engagements, and even a consideration of money paid to the Spanish Government, in order that the suppression of the slave trade on the part of the Cuban authorities should be enforced according to the just and honourable interpretation of all treaties existing between this country and Spain.

MR. COBDEN said, he thought that the right hon. Gentleman had not quite clearly understood the remark of the hon. Member for Inverness-shire (Mr. Baillie). He did not understand that hon. Gentleman to say that we were as a nation or as a Government to hand over Cuba to the United States, but that it was hardly becoming in the country, which was constantly raising complaints against the Government of Spain for scandalously violating her treaties in a matter which was affected to be considered as of paramount importance—the suppression of the slave trade—to be prepared to defend Spain in the possession of Cuba. It was not that England should hand over Cuba—that no one would recommend. There had, however, been some correspondence between the noble Lord the Member for the City of London and the American Government on the subject, and which, so far as he (Mr. Cobden) could comprehend it, went to commit this country to the policy of preserving to Spain the possession of the island of Cuba. That was the policy against which the hon. Member for Inverness-shire protested, and against which he (Mr. Cobden) protested also. He wished to guard himself distinctly from offering any opinion as to whether it was for or against the interest of this country that the United States of America should buy Cuba, but he said that if England attached so much interest to the extinction of the slave trade as she pretended to do, then, upon the right hon. Gentleman's own showing, it was a great inconsistency if this country was, by force of arms, to defend, in all cases, and under all circumstances, the right to the possession of Cuba on the part of Spain. He could not imagine anything more calculated to make the Spanish Government persevere in the course she had always adopted, with reference to the slave trade, than to allow her to entertain a hope that we would interfere to prevent America from becoming possessed of the island of Cuba. The Spanish Government ought to be made to understand that by pursuing the policy she had chosen, disregarding, as she did, the doctrines of civilisation and humanity by continuing the slave trade, she was fast losing the respect and sympathy of every nation of the civilised world, and preparing the way for some strong Power to take possession of that island which she had so scandalously abused. The hon. Baronet had said that slavery existed in the United States. That was true, but the slave trade did not exist there. The United States had declared the slave trade to be a piracy, and it was not quite candid to put that nation on a par with Spain in keeping up that odious traffic. Without saying one word about the expediency of giving Cuba to the United States, or assisting that country to take possession of the island, he thought it would be greatly for the interests of humanity if the United States, or any other Power that would altogether discountenance the slave trade, should possess it.

CAPTAIN SCOBELL said, he thought this was a very inopportune time to raise a discussion as to who ought to have Cuba, for it was throwing a bone of contention which it would be far better to keep back. He only rose to thank the Government for the statement which had just been made by the right hon. Baronet the First Lord of the Admiralty, and to remind hon. Members who found so much fault with Spain, that it was not until after the lapse of some time that the British House of Commons consented to the abolition of slavery.

Motion *agreed to.*

Address *ordered* for—

"Returns of all vessels, their names and tonnage, seized (on suspicion of being engaged in the Slave Trade), with the name of the Captain and the Ship that captured the same, from the 1st day of January 1853; specifying the date of capture, the latitude and longitude, and whether with Slaves on board or not, and of the number of Slaves captured during the same period:

"And, of Her Majesty's Ships and Vessels employed on the Coast of Cuba for the prevention of the Slave Trade, from the 28th day of July 1853 (the last Return) to the latest dates."

CRIMINAL PROCEDURE BILL.

MR. AGLIONBY said, he begged to move for leave to bring in a Bill "to alter the time and mode of taking the pleas of persons charged with Larceny, and for the improvement of Criminal Procedure in the case of Larceny." His object was to enable magistrates sitting in petty sessions in open court, or stipendiary or police magistrates, also sitting in open court, to receive pleas of guilty in cases of larceny, when the parties charged were brought before them. The advantages of the Bill were threefold. The Bill, in the first place, would greatly diminish the expense to counties, for, as he believed, about 25 per cent of the persons charged with petty larceny pleaded guilty; yet the grand jury had to find a Bill, prosecutors and witnesses were bound over to appear, and no sooner was the prisoner brought into court than he pleaded guilty. It appeared that out of 540 committals during three years, at Carlisle, the prisoners in 155 cases had pleaded guilty. Assuming, then, that a fourth of the persons committed throughout the country would do the same, and reckoning the expenses of prosecution at Carlisle to be 18*l.* in each case, he had calculated the saving to the counties of England and Wales, if the Bill were adopted, at 50,000*l.* a year. He had, however, since then obtained a return, from which it appeared that the number of commitments in England and Wales, during the year 1852, was 27,500. Deducting from these 7,500, which he supposed would be sent to the assizes, that would leave 20,000 sent to the sessions. If one-fourth of these pleaded guilty, and the expense of the prosecution were only 10*l.*, the saving would be 50,000*l.* The second object was to prevent the great trouble and annoyance of bringing from their families and occupations the numbers of persons who were bound over to prosecute, and witnesses against persons who had pleaded guilty. The third object he had in view had been suggested by some remarks recently made by that great man, as he must call him, the present Lord Chief Justice of the Queen's Bench, Lord Campbell, in which he lamented the number of persons who had been brought before him at the recent assizes for minor offences, and who had been imprisoned for a longer time before trial than they would have been imprisoned if they had been found guilty. He had, therefore, added a clause which he had not originally contemplated, enabling justices in petty sessions and police magistrates, after due caution, to receive a plea of guilty. Means would be taken to prevent any inducement being held out to prisoners to plead guilty, and they would be told that if they pleaded guilty they would receive the punishment provided by law. Prisoners would be at liberty, after this caution and charge, to plead guilty, and the justices would be enabled to receive the plea of guilty, and in cases of simple larceny to pass sentence upon the spot.

MR. HADFIELD seconded the Motion. He said he remembered seeing not long ago, in a Cambridgeshire paper, that seventeen prisoners had been convicted for cases involving altogether only an amount of 17*s.* 0½*d.*, while the cost of maintaining the prisoners was about 150*l.*

VISCOUNT PALMERSTON said, he was quite ready to support the Motion of his hon. Friend, and he was very happy to give the Bill the best attention in his power. It was quite true, as his hon. Friend had stated, and he thought the fact was rather satisfactory to be known, that the great proportion of the offences committed in the country were of a slight and trivial character. It was agreeable, certainly, to contemplate, considering the great number of offences committed in various parts of the country, that the greater proportion of them were of a very trifling description; and if any mode could be discovered by which these offences could be tried more speedily, and the punishment inflicted at once, very great advantage would accrue to the country. Without, therefore, pledging himself to the details of his hon. Friend's measure, he should most cordially support his Motion.

Sir JOHN PAKINGTON said, he was very glad that the noble Lord had signified an intention not to offer any resistance to the introduction of the Bill. Every one would feel that the objects of the hon. Member for Cockermouth (Mr. Aglionby) were most praiseworthy; but he must say he thought the hon. Gentleman entertained rather an exaggerated opinion as to the effects of the Bill, especially in the saving of public money. If he understood him rightly, the cost of prosecutions in one county averaged 18*l.* per case, while the general average was 10*l.*; and also that 25 per cent of the prisoners brought before the court pleaded guilty. He must say that that statement did not tally with his experience as chairman of quarter sessions, which had now extended over a great number of years; that experience told him that an average of 10*l.* was too high, and that 25 per cent was very much more than the proportion usually found pleading guilty. He believed, however, that the ends of justice would be no less promoted than considerations of economy by the course which it was proposed to adopt. But he was obliged to confess he did not quite understand the plan of the hon. Gentleman in one respect, at least. He understood him to propose that in many petty cases parties should be allowed to plead guilty. [Mr. Aglionby: To plead guilty in all cases.] That was, in very petty cases, the option of pleading guilty being given, the magistrate would be allowed to pass sentence immediately. But the hon. Gentleman does not say what was to be done with the more serious cases, and when, after the plea of guilty was given in, was sentence to be passed. He was the more particular in calling attention to this circumstance, because he desired that the hon. Gentleman would avail himself of the present opportunity to introduce into the Bill a more general proposal than that which he had understood him to propound—that would be calculated to enable magistrates at petty sessions to deal summarily with the cases of extreme petty larceny to which reference had been made. Some few years ago he had himself brought forward a plan somewhat of this description, which was very strongly supported, especially by members of the legal profession; but in consequence of an apprehension of an unnecessary and dangerous inroad upon the principle of trial by jury, that proposition was withdrawn. There was the rather numerous class of petty cases where there was only a question as to the stealing of an apple or a small piece of wood, and very often the delinquents were only children, while, on the other hand, many offences of a much more serious nature were now disposed of by magistrates at petty sessions. Now, he could not help thinking that it was worthy of the hon. Gentleman's consideration whether it would not be better to enable petty session courts altogether to deal with and dispose of that class of petty cases, limiting the amount of punishment, so as to guard against any possibility of an inroad being committed on trial by jury.

Mr. STUART WORTLEY said, that though he was glad the noble Lord (Viscount Palmerston) had assented to the introduction of the Bill, he thought the House ought to act with extreme caution in this matter. With respect to the financial considerations of the hon. Gentleman, let justice be done, at any expense. Nothing could be more fallacious than the statements made with reference to the average number of cases disposed of, and the expense of disposing of them. Those averages included all cases of every description; but if only those were included which ought to be included, the averages would be infinitely lower. Considering the fearful consequences of felony, and the stamp of degradation which a conviction for felony placed upon a man, it became a most serious thing for the House to enable the magistrates at petty sessions to take pleas and pass sentences under the Bill, which was, in point of fact, nothing more nor less than a large extension of the power of summary conviction in cases of felony. In cases of extreme youth, there ought to be the means of sending the prisoner to school without the stamp of felony, and felony cases of a very trivial nature ought not to be treated as equivalent to other felonies. He was extremely jealous of visiting upon subjects of this country the pains and forfeitures attaching to felony, and he was therefore equally jealous of extending the power of summary conviction before a magistrate.

Mr. HENLEY said, he should be very sorry to give a decided opinion on the Bill but he was bound to say that he thought he would be neglecting his duty if he did not impose some limit on a search that had now been protracted for nearly nine years, and which had unhappily been attended with great risk and positive loss of life. The instructions that had been issued related to that portion of the search which had been conducted to the westward. It had appeared to him expedient, in the present year, to send some additional ships and to incur very considerable expense, both on the American and on the Eastern shore. A ship had previously been sent to Behring's Straits to communicate, if possible, with Sir John Franklin, and it had passed three winters in the ice. The House was aware that two ships had entered Behring's Straits under the command of Captain Collinson and Captain M'Clure. Last autumn the gratifying intelligence was received that Captain M'Clure was safe, but he grieved to add that with respect to Captain Collinson no information had yet been received, and the most serious apprehensions were entertained as to his safety. The Admiralty had thought it right, as Captain Collinson was last seen near Behring's Straits, to instruct Captain Maguire, of the *Plover*, to proceed in search of him, and if, happily, he should find that he was safe, then to leave the ice and return to the southward; but if Captain Collinson could not be found, then Captain Maguire had received discretionary orders to spend one further winter in an endeavour to discover some traces of him. Orders had also been given, on the other side, to Sir Edward Belcher, that if any circumstance came to his knowledge which left a lingering hope that by staying out one winter longer the search might possibly be successful, he was to have additional powers to remain out for one winter accordingly; but with that single exception, Sir Edward Belcher was to leave the ice. These were the orders given with respect to both ships; and he (Sir J. Graham) was bound to say, with regard to Sir John Franklin and his gallant band, hardly any hope remained of their safety; and with the single exception that he had stated, with reference to the prolonged stay of the exploring ships for one year more, he had not thought it consistent with his duty to authorise any further efforts to be made in the search.

ADMIRAL WALCOTT was of opinion that every endeavour consistent with the honour of the country had been made, and all practicable means exhausted, in the search for Sir John Franklin and the enterprising officers and men who were his companions. He could only believe that the vessels forming the ill-fated expedition under his command had foundered, and that their crews had perished. He knew that this was also the impression prevalent among other professional men, who were capable of arriving at an accurate judgment in the case. As this was his firm conviction, he could not think that the country would be justified, if it exposed gallant and enduring officers and men to the risk inevitable on a continued prosecution of a vain attempt. It was uncalled for, since, beyond doubt, Sir Edward Belcher would, on his return to England from those seas, assure the country of the utter improbability of any success in the undertaking. Until that officer made his report, he (Admiral Walcott) thought that the right hon. Baronet the First Lord of the Admiralty would be acting with undue haste, if he removed from the Navy List the names of officers who had been sent out to the North Pole; and the more so, as he hoped that Sir Edward Belcher might be expected at a date not later than September or October next. Such tenderness and delay were due to the feelings of their friends and families, as long as the slightest hope could be entertained of their rescue. He, therefore, trusted that the right hon. Baronet would concur with this suggestion, and reconsider the determination which he had expressed.

CAPTAIN SCOBELL said, he was satisfied Captain Collinson still remained somewhere in the ice, and though it might seem a somewhat bold opinion, he yet doubted whether Sir John Franklin was lost. The Franklin expedition was last seen in the vicinity of Wellington Channel, while the last accounts we had received from Sir Edward Belcher stated that there was something like what was called an open sea visible beyond that channel. Now, it might be possible that Sir John Franklin was somewhere in this sea, which he had reason to believe was vast and extensive; but, besides that, Captain M'Clure had sent home additional information which should still excite hopes of Sir John Franklin's safety. Captain M'Clure had discovered an island in the neighbourhood of this sea which in some degree furnished the means of life in birds and animals. There were Esquimaux living there too, who must certainly support themselves in some way or other in all seasons; and he, for one, thought it advisable, that during the coming summer the ships should receive orders to explore the sea surrounding that island. Captain Collinson had only been as yet three or four years in the ice, and it should not be forgotten that some six Russians lived upon the island of Spitzbergen for the space of six years without meeting with a human being.

Sir JAMES GRAHAM said, that the instructions were express that if Captain Collinson was not heard of, the ships should remain in the ice during the present summer.

Lord STANLEY said, he entirely agreed that there was no ground for sending out a new expedition in search of Sir John Franklin, but he concurred in the propriety of allowing the ships now in the Arctic seas to pursue the search; he hoped, however, they would be allowed to do so according to their own judgment, and not be required to remain longer in the ice than circumstances would reasonably justify.

Sir JAMES GRAHAM said, that a discretionary power was given them to pursue the search as long as they thought necessary.

Motion *agreed to.*

Copies *ordered*—

"Of any Instructions which either have been issued, or hereafter may be issued during the present season, to the Commanders of Her Majesty's Ships now engaged in the Arctic Regions in the search for Sir John Franklin's Expedition."

EDUCATION (SCOTLAND) BILL.

The LORD ADVOCATE said, the House would not be surprised at his rising at that hour of the night to postpone the second reading of this Bill. In doing so, however, he was anxious to offer a word or two of explanation. He had been very much pressed to postpone the second reading until after the 30th of April. He had declined to do it, because he thought the interests involved were too great to be exposed to the peril of unnecessary delay. The Schoolmasters' Act expired during the present year, and the interests of the schoolmasters must be protected. The welfare of the great mass of the community must also be looked to, and he did not think he should be discharging his public duty in postponing the second reading of the Bill to a period which would endanger its passing into a law during the present Session. As long as he had charge of the Scotch business in that House, he should always object to postpone the second readings of important Bills, because he thought it highly prejudicial to business of that nature that it should be kept back during three months of the Session. He found himself, however, in this position. He did not see his way to bring on this Bill, in the few days that remained before Easter, under circumstances that would admit of its being discussed; and as it was a measure of very great importance, involving many large questions, he did not think he should be justified in running the risk of taking it up again at a late period of the evening, without the chance of carrying it through. He proposed, therefore, to postpone the second reading until the 5th of May. Before he resumed his seat there were two points connected with the Bill to which he wished to refer. He understood there was considerable difficulty about the retiring allowance to schoolmasters. As far as his own opinion went, he thought the complaint well founded; and he was perfectly willing that the amount of the retiring allowance should be reconsidered in Committee. He had found also—he must say to his surprise—that the Episcopalians thought they could not take advantage of the 36th clause, as that clause at present stood. He could only say it was intended to extend to them, and he should be happy to modify its terms so as to accomplish that object.

Mr. CUMMING BRUCE said, he was very glad to find that his right hon. and learned Friend had consented to postpone the second reading. He perfectly agreed with him that it was unreasonable to expect that every large measure involving great interests should be postponed until after the 30th of April county meetings; but there were most important provisions of this Bill, in which the parties attending these meetings had so deep an interest that they ought to have this opportunity of understanding and discussing them. The postponement was desirable also as a means of testing the accuracy of the opinion which the right hon. and learned Gentleman appeared to entertain that the Bill was acceptable in Scotland. He had himself presented a great number of petitions very strongly worded against it. The question of protecting the schoolmasters from the prospective diminution of their salaries, ought not to have been mixed up with the fate of so large a measure as this. The landed proprietors would willingly have consented to maintain the present rate of payment, and any scheme of general education ought to have been separately introduced. At present, there were no data to show that the educational requirements of the country made such a measure necessary, except the speech of the right hon. and learned Lord Advocate.

LORD ELCHO said, he took exception to this last statement, and must assert that there was a general concurrence of opinion that some measure with respect to Scotch education was absolutely necessary. Even the 1,800 landed proprietors who objected to the separation of the Church from the schools, would not undertake to say what measures might be necessary in cities and populous towns.

MR. CRAUFURD said, he would admit that there were some clauses which might need alteration in Committee; but, as to the general principle of the Bill, he was satisfied, as stated in the petition he had presented that evening, that the feeling of the country was in favour of the principle embodied in the Bill.

Second reading *deferred* till *Friday*, 5th May.

The House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, April 5, 1854.

MINUTES.] NEW MEMBER SWORN.—For Durham County (Northern Division), Lord Adolphus Vane.

PUBLIC BILLS.—1° Burgh Boundaries (Scotland); Criminal Conversation.

2° Middlesex Industrial Schools; County Courts Extension Act Amendment.

MIDDLESEX INDUSTRIAL SCHOOLS BILL.

Order for Second Reading read.

LORD ROBERT GROSVENOR said, that in moving that the Middlesex Industrial Schools Bill be read a second time, he would content himself with stating that the second reading had the cordial concurrence of his noble Friend the Secretary of State for the Home Department (Lord Palmerston).

Motion made, and Question proposed, "That the Bill be now read a Second Time."

LORD DUDLEY STUART said, he felt it his duty to oppose the Bill, and should move, as an Amendment, that it be read a second time that day six months. He was ready to acknowledge the benevolent intentions of the promoters of the measure, and it was undoubtedly most desirable that juvenile criminals should be placed in reformatory establishments. But he must complain, however, that this Bill would enable the county magistrates, over whose appointment the ratepayers had no control, to send young criminals to certain industrial schools, which were to be erected and maintained at the expense of the county, and thereby materially increase the burden of the county-rate. He believed that if the persons who exercised this power were elected by the ratepayers there would be no objection to the measure, but the county magistrates were quite irresponsible and entirely unaccountable to those with whose money the present Bill would enable them to deal. The Bill also would increase the power of the bishop of the diocese, for it would enable him to appoint a chaplain to the school, who would be removable at the will and pleasure of the bishop, but whose salary would be paid by the ratepayers. It was further provided by the Bill that, when any child or young person was placed in the reformatory schools, such child should be maintained at the expense of the parish of his or her settlement, a provision which, in his (Lord D. Stuart's) opinion, was very objectionable. He considered that some general measure should be adopted with regard to the treatment of juvenile criminals, and he believed that a Bill which gave the power of managing industrial schools to persons who were responsible to the ratepayers would not meet with any opposition. He could not, however, consent to a measure which would place such enormous powers in the hands of the unpaid magistracy.

MR. LUCAS said, he would second the Amendment, but for very different reasons to those put forward by the noble Lord. He opposed the Bill on the ground of objections of a very special character. He considered that it recognised a principle directly contrary to that assented to by the noble Lord the Secretary of the Home Department in respect to the propriety of allowing criminals, on entering the county and Government prisons, to be registered according to their particular religious belief, and to be placed under the care of chaplains of their own religious persuasion. He was therefore surprised to hear that the noble Lord (Viscount Palmerston) had assented to the principle of this measure. This Bill proceeded upon the supposition that all the criminals to be placed in those schools would be Protestants of the Church of England, and it did not provide for the appointment of any other chaplains than those who professed the religion of the Established Church. Now the noble Lord the Secretary for the Home Department had already admitted that that was an unjust principle, and therefore the Bill was altogether inconsistent with the understanding that such an admission conveyed.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. G. BUTT said, that the principle of the Bill was one of the greatest importance, and was universally acknowledged. Every one who had had experience in the administration of criminal justice must feel that the evil which this measure proposed to remedy was a most pressing one. Great alterations might, no doubt, be necessary to be made in the details of the Bill, but as he believed that they were all agreed as to its principle, he hoped that the House would at once assent to the second reading, and then refer it to a Committee, with a view to the removal of those objections to the details which might be urged against them. Although he concurred with the noble Lord the Member for Marylebone (Lord D. Stuart) that there should be a general measure upon this subject introduced by the Government, he yet thought that this was a case of the strongest nature to warrant an exception to such a proceeding. The Bill would embrace in its provisions a very large area, which was full of the evils it was now proposed to remedy. He trusted that one of the earliest pieces of legislation they would have would be the introduction of a general Bill of the Government to remedy those general evils.

Mr. DIGBY SEYMOUR said, he quite agreed that the object of the Bill was good, but he thought there was some force in the objection of the noble Member for Marylebone—that those persons who were required to support the proposed schools would have no control over the magistrates by whom they would be managed, and by whom the funds would be administered. He might observe that the 44th clause of the Bill enacted that every child sent to the industrial schools should be chargeable to the parish in which he or she was last legally settled; and it appeared to him that this provision would clash with the principle of the Settlement and Removal Bill now before the House, which was intended to abolish settlements altogether.

Mr. ADDERLEY said, the objection taken by the hon. Member related to a matter of very inferior detail, and the opposition to the measure was based on a total ignorance not only of the Bill, but of the difference between principle and detail abstractedly. If the hon. Gentleman would consider the importance of dealing with juvenile offenders who had fallen into crime, he would rise above the discussion of petty details. To deal with children between the years of eight and fourteen in the same way as adult criminals were treated, by imprisonment and coercion, was altogether a solecism. It was a system which was not only not calculated to meet its object, but to ruin the whole country. This was almost the only country in the civilised world in which the necessity of dealing in a different manner with youthful and adult criminals had not been recognised. That principle had been fully recognised in Scotland, where reformatory institutions had been established by voluntary and private contributions, and where, in the city of Glasgow, a local rate was imposed for that purpose, under the authority of an Act of the Imperial Parliament. The noble Member for Marylebone had opposed this Bill on the ground that it would charge the maintenance of the children admitted into industrial schools upon the parishes of their settlement, while there was a Bill before the House which proposed to abolish settlements altogether. He (Mr. Adderley) did not think, however, that it was by any means clear that that Bill would pass during the present Session. He could not see how the great principle of local self-government would be affected by this Bill. He believed the noble Lord meant to say the principle of representation. But the representative principle and that of local government were not the same. He believed that the principle of local self-government would not be at all touched by the Bill; but if the noble Lord could show him that that would be the case, he would go along with the noble Lord in remedying that defect in Committee. He fully concurred in the objection that a general measure ought to be introduced on the subject, and could not acquit the Government of not having fulfilled their promise to introduce such a measure. One-third of the juvenile criminals in the kingdom were to be found in Middlesex; and therefore this measure would be applicable to one-third of England. That, certainly, was a very important step in the right direction, and he should support the Bill by every means in his power, not, however, releasing the Government from their promise. During the recess many very large meetings had been held to consider this question, and one of the most important deputations that ever waited upon the noble Lord the Secretary for the Home Department went away in the greatest possible state of exhilaration at the promise of the noble Lord to take up the matter and pass a Bill during the present Session. So strong was that impression that the parties broke up their organisation, trusting entirely to the promise of the noble Lord. They had been much disappointed at the non-appearance of any such measure, particularly as they were themselves prepared with one. When Parliament was willing to pass such a measure, the Government could only be released from such a promise by their being unable to fulfil it. He trusted, at all events, that the present measure would be pressed forward, even if a larger one could not be obtained.

Mr. HUME said, he was also in favour of the principle of such a Bill, and of the Government introducing a general measure on the subject. The House was now discussing a question of the deepest importance without the presence of a single Minister. He called upon the Government to fulfil the pledge which they gave, but there was no one Minister in attendance to answer him. He concurred in the objection of the noble Lord (Lord D. Stuart), that this measure had too much the character of a private and local Bill, when it ought to be a public one. It ought not to have the character of a private Bill. He saw with delight the proceedings that took place at Birmingham upon this subject, and he only wished he could have been there himself to support them. No one objected to the principle of this Bill; but the evil being universal, the remedy should be general. He considered that the objections taken to the measure by the noble Lord who moved the Amendment were valid ones. All the parishes in the county of Middlesex, with the exception of five, were prepared to carry out its principle, but what they objected to was, the means by which it was proposed to carry it out. He was almost disposed to recommend the adjournment of the debate until some Members of the Government were present. He would, however, advise his noble Friend to allow the Bill to go into Committee, when the Government would perhaps see that it was their duty to take up this question themselves.

Mr. J. O'CONNELL said, he hoped the noble Lord would not withdraw his Amendment. In his opinion there were too many Bills introduced into that House as private Bills which were really of a public character, and that it would be advisable to appoint a Committee for the purpose of inquiring into the practice. In this description the present Bill seemed to be included; and he did not see how Members of the Catholic religion could assent to the measure, because of the principle which was involved in the 42nd clause. Should they allow the Bill to go into Committee they would in effect sanction the negation of the principle laid down by the noble Lord (Viscount Palmerston), that Catholic children should be entered as Catholics.

Mr. MIALL said, he was not opposed to the principle of the Bill, but, as he thought it was not becoming the dignity or the wisdom of that House to establish such a principle in a private Bill when none of the Ministers were present to discuss it, he should support the Amendment. In giving an industrial training to juvenile criminals there would be great danger that you might expose the poor man with a large family, belonging to the class next to that which supplied the criminals, to great temptation, since, by sending them into the streets to commit some small offence, he could get them provided for for life. This was a danger which ought to be very carefully guarded against.

Mr. ROEBUCK said, he must confess that he was at an utter loss to understand the force of the various objections that had been urged against the measure. One hon. Member objected that, while the Bill was in reality a public Bill, it was to be discussed as a private Bill. But what did that objection amount to? Was it not proposed to send the Bill before a Select Committee; and were not private Bills which were so treated much more completely discussed than public Bills that were not sent to a Committee? Another hon. Member said there was no provision made in the Bill for supplying Roman Catholic children with religious instruction in their own faith. Now, whenever a Bill was brought in respecting education, he was sure to hear something about religion introduced. If the Roman Catholics had a right to a distinct measure for themselves, why not the Mormonites? Then came the objection, that no provision was made for enabling these juvenile criminals to attain a status, and provide for themselves in future. But that was most absurd. The fact was, that the objections were not in reality directed against the Bill; they arose from a totally distinct source. It was a constant craving for power—power on the part of Roman Catholics—power on the part of Dissenters—power on the part of the Established Church. It was not an objection to education, to the Bill, or to the form in which the Bill was introduced; but an objection to the powers which it conferred. And what were they? Powers were given to certain persons to provide education for the juvenile criminal population of Middlesex. These, an hon. Gentleman said, amounted to one-third of the whole juvenile criminal population of the country; and surely that alone was a good and sufficient reason for passing the Bill. If they could carry a measure that would include such a vast portion of the criminal population of this country, for God's sake let them do so—the sooner the better. As to there being no Minister present on the Treasury bench, as far as he (Mr. Roebuck) was concerned it was a matter of perfect indifference whether that was so or not. If they could do good by passing a Bill of this sort without their assistance, by all means let them do so. If the Bill accomplished the ends it aimed at, it would undoubtedly deserve the benediction of the community.

Mr. HENLEY said, he thought the facts that had been stated in the course of the debate conclusively proved that there were the strongest possible grounds for dealing with the Bill as a private Bill. The Bill proceeded with cautious and safe steps, and, in his opinion, deserved the support of the House. One of the objections urged to it was, that parents would be induced to encourage their children in committing crime, with the view of getting them taken care of in the proposed institution. But, on looking at the provisions of the Bill, he observed that the county authorities would have power, in the first instance, to resort to the parochial authorities, and that the parochial authorities would in their turn have power to resort to the parents, and compel them to pay the expenses incurred where they were in a position to do so. Another objection struck him as being of a most extraordinary nature. It was that the Bill did not proceed with sufficient care to provide instruction for criminals of different religions. But what did that amount to? A child might by accident be a Roman Catholic; but in all human probability the great majority of juvenile criminals were of no religion at all. And because the hon. Member who raised this objection could not secure to them instruction in some particular creed, he would leave one-third of the whole juvenile criminal population of the country to be brought up as heathens. The measure was also to be opposed, he understood, on the ground of the power it placed in the hands of the existing magistracy—and every obstacle was to be interposed to its passing until the establishment of county financial boards. Why, they might as well shut up all the prisons at once as attempt to carry out that threat. It would be just as logical to say that a prison should not be enlarged, or an additional cell constructed, because there were no county financial boards in existence to superintend the expenditure. The argument had no force in it whatever. In point of fact, the proposed institutions were meant to be a kind of reformatory schools, at the same time that they were direct appendages to a prison. Instead of sending an unfortunate child for twelve or eighteen months to a prison, where, by association with older and more hardened offenders, he became increasingly depraved and confirmed in his vicious career, the Bill proposed a more humane course, and, regarding him in the light of one who was scarcely at an age to be responsible for his actions, put him in a better atmosphere, where his moral culture would be attended to, and steps taken to render him in after-life a good citizen and subject.

Sir GEORGE GREY said, he thought that the only objection to the second reading of this Bill which had any weight was that founded on its being a private Bill when it ought to be a public one. He was disposed to allow a good deal of weight to that objection, but it would not be sufficient to deter him from voting for the second reading of it. He found by a paper which had been circulated that morning by the promoters of the Bill, that they did not ask leave to introduce this Bill until they had ascertained that there was no prospect at present of a general Bill being introduced by the Government. Until he heard the speech of the hon. Gentleman opposite (Mr. Adderley) he was not aware of the pledge given at the end of the last Session, that a general Bill should be introduced; but as such was the case, he should be glad to vote for the second reading of this Bill, although he thought that it contained provisions which rendered it undesirable that it should follow the ordinary course of private Bills. It was true, as had been stated by the hon. and learned Member for Sheffield (Mr. Roebuck), that in some cases private Bills were more carefully scrutinised by a Select Committee than were public ones by the whole House. That observation would, however, only apply to Bills which were opposed; and though this Bill might be opposed, it would be opposed by the ratepayers, who would object to the Bill altogether, on the ground of expense, but who would not examine the provisions of the Bill affecting questions of general policy, and affecting a very large portion of the population of this country. He would, therefore, suggest, either that the Bill should, after passing the Select Committee, be passed through a Committee of the whole House; or that the Select Committee should be specially constituted for the purpose of securing a full and fair consideration of the provisions of the Bill—of such provisions, especially, as those which gave power to justices, upon summary conviction or otherwise, to send children to these reformatory schools, which would be of an essentially penal character, for a period not exceeding three years, and which empowered the managers of the school to discharge a child without any reference to the Judge by whom it had been sentenced. The objections of the hon. Member for Meath (Mr. Lucas) might be proper to be considered by the Committee, but if the House were to entertain such objections as reasons why a Bill should not be read a second time, no Bill of any importance would ever be so read. Another objection which had been raised to this Bill was the want of a representative system. The promoters were, however, bound to make use of the existing machinery, and he did not see that the passing of this Bill, giving additional power to magistrates analogous to the powers they already exercised on behalf of the ratepayers, would in any degree prejudice the consideration of that measure which the House had received a distinct assurance from the noble Lord the Secretary of State for the Home Department he intended to submit for their consideration very shortly after Easter.

Mr. LIDDELL said, he hoped the second reading of the Bill would be agreed to. The county of Middlesex had sent a deputation to the Home Office in its favour; and the towns of Manchester, Liverpool, Newcastle, and other large communities, had held public meetings, at which resolutions were unanimously adopted for petitioning Parliament to the same effect. But now that a measure—not indeed embracing the whole country, but still a very considerable portion of the population of the country—was brought before the House, he grieved to see it opposed upon grounds to which he could attach no weight whatever, considering the great principle which was involved in the Bill. Two points had struck him, which had not yet been noticed in the course of the discussion. He understood the noble Lord who had moved the Amendment to object to proceeding with the Bill upon economical grounds. Now, he (Mr. Liddell) would take the liberty of reminding the House that there was nothing so costly as crime, and that even in an economical point of view, if they could succeed in reforming these juvenile offenders, they would thereby save a considerable expenditure for their future maintenance and existence. The other point to which he would advert was this. The House would remember that the sentence of transportation, as a secondary punishment, had been discontinued. We could now no longer send our criminals out of the country. They must remain here in confinement in some place or other, and when the term of their imprisonment expired, we ran the risk of turning them upon the country to renew their dishonest modes of living. Unless, therefore, we took some such step as the one proposed for reforming juvenile criminals, the country would be exposed to the invasion, in the course of a few years, of a mass of crime that it could not by possibility know how to dispose of. This, he thought, was an additional reason why the House should read the Bill a second time without further delay, and send it to a Select Committee, where it might undergo such amendments as would render it, in all respects, fitted for the object it proposed to effect.

Sir WILLIAM CLAY said, he should support the Bill, which he did not believe would have the effect of increasing the expenditure of the counties. The expense of maintaining these reformatory schools would, in fact, be in substitution of the cost which was now incurred in the maintenance of prisons. The probability was, therefore, that the measure would not increase the amount of the rates paid by the county of Middlesex. He would suggest to his noble Friend (Lord D. Stuart), considering the very general accordance in the principle of the measure, that he should withdraw his Amendment.

Lord DUDLEY STUART said, that after the expression of opinion on the part of his hon. Friend (Sir W. Clay), added to that of the hon. Member for Montrose (Mr. Hume), and the general feeling of the House upon the subject, he would not further occupy the time of the House, but at once ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* to a Select Committee.

PUBLIC LIBRARIES AND MUSEUMS BILL.

Order for Second Reading read.

Mr. EWART, in moving the second reading of this Bill said, that the former Act passed in reference to this subject had brought about the establishment of free libraries or museums, and in some cases both, in no less than thirteen towns throughout this country. Among the first so established was that of Warrington, whose example was soon followed by Salford. Then a noble library and museum were founded in the city of Manchester, about 12,000*l.* being subscribed for the foundation of the institution, which was now supported by a rate levied upon the town. The number of books there amounted to about 16,000, and the issue of books in the course of nineteen months was 230,000. In Liverpool there had been established a library and museum, and also, in addition to that, two lending libraries, from which books were borrowed by all the working classes. A lending library had also been established in Manchester with very good effect. At Bolton, too, there was a library and museum, with a lending library; and he had received communications within the last few days announcing the proposed establishment of such institutions at Sheffield, Oxford, Cambridge, Stockport, and a variety of other places throughout the country. It might be asked, what had been the result of such institutions? and the answers universally were, that the result had been most satisfactory. Since the establishment of these libraries the taste for reading had greatly increased, and there was a manifest improvement as regarded the class of books read. History was now more read than it had been at the first opening of these establishments, and the best books were gradually superseding, in the estimation of the people, those which might be considered of a more objectionable character. The question was, whether the Act under which these libraries had been opened should be further extended? At present the Act was limited to towns under municipal government, and many towns in this country which had no municipal corporation requested that the Act should be extended to them. It was necessary, therefore, to give to towns governed under an improvement Act, like Cheltenham, and to places governed by a vestry—such as Marylebone—the power of adopting the provisions of the Bill. There was also a power given in the Bill for parishes to unite together for the common purpose of forming a library. Then, the former Bill did not extend to Scotland and Ireland, but, by the desire of many of the inhabitants, both of Scotland and Ireland, it was intended that the present Bill should extend to those two countries, either by the insertion of clauses having that effect, or, if it was considered necessary, by the introduction of separate Acts. By the former Act town councils were not allowed to levy a rate of more than one halfpenny in the pound for the establishment of those libraries, but, on the representation of the inhabitants of a great many places, he proposed the extension of that power to the amount of one penny. Again, in the former Bill, no power was granted to buy books or works of art; but that power was proposed to be given by the present Act. There was also a restriction in the old Bill which prevented the readoption of this measure within two years, if on its first proposal in the town it happened to be rejected. That restriction would now be abolished, and full powers given to adopt the measure at any time. It had been suggested that powers should be granted not only to purchase books, but newspapers. Now, he himself had no objection to such powers being granted, but in such a case he thought the newspapers should be apart from the library, and the library consecrated to those objects to which it was more particularly devoted. He was of opinion that much general good must result from the establishment of those libraries. In the first place, they would supply to the working classes works of a standard character. Then they might be made to illustrate the local history of the counties and places in which they were established, and to exhibit specimens of its geology and natural formation. While improving the intellectual capacities of the working classes, they would tend to advance the religious and moral welfare of those classes; and, believing this, he hoped the House would assent to the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. HENLEY said, he did not rise to oppose the second reading of the Bill, but he was sorry to see that the right hon. Gentleman the President of the Poor Law Board was not in his place, because he wished to hear what view he took with respect to the heavy burden which would be thrown upon the poor rate. By this measure it was proposed to give power to tax the parishes to the extent of one penny in the pound; the whole amount of the rate levied for the relief of the poor being only about a shilling in the pound. This Bill made an important alteration in the present law, by shifting the option of adopting its provisions in towns governed by municipal corporations from the ratepayers to the town council. The effect of this would be to deprive the poor people who would have to pay the rates of any direct control over their imposition. This would require careful consideration, for it was a very serious thing to give the town councils a power to add one penny in the pound to the poor rate, and to take the poor rate and apply it to other purposes.

MR. HUME said, he agreed with the right hon. Gentleman opposite (Mr. Henley) that this was a question of considerable importance, because it was providing the better class with the means of procuring information, while one-half of the population, from not being able to read, were unable to appreciate the advantage placed within their reach. Last Session he had pressed the noble Lord (Lord J. Russell) to consider whether some measure of general education to prepare for the establishment of these libraries ought not to occupy the attention of the House. He (Mr. Hume) was aware of the great difficulty which attended the subject, but it was a matter of great regret and mortification to every one who saw the ignorance of the people, particularly in country districts, that they were not able to adopt any educational measure in consequence of the extreme views of different sects upon the subject. Now, religion, he thought, was designed for the improvement of the condition of mankind, instead of which it seemed to be made use of in this question only to breed discord and difference. It was remarkable to see the number of persons summoned upon a coroner's jury who were unable to sign their names, and he wished the hon. Gentleman the Under Secretary for the Home Department would call for a return showing how many of such individuals could not write. He should, however, support the second reading of the Bill.

MR. SPOONER said, that the hon. Gentleman who brought forward this Bill had stated no reason for making so important an alteration in the Act passed only four years ago, as taking the option of adopting its provisions from the ratepayer, and giving it to the town council. He could see no reason for this alteration, but a very good one against it. The provisions of the present Act prevented the inhabitants of large boroughs, who might be unable to avail themselves of the advantages of the library, from being taxed for its support. That protection, however, was now to be taken from them. Again, it was now proposed to join three or four country parishes together for the purpose of supporting a library. Was it really intended to tax the poor cottager who now paid to the poor rate for this purpose? He thought that it was desirable to hear the opinion of Her Majesty's Government upon this question; but as none of its Members were then present, he would move that the debate should be adjourned.

MR. BROTHERTON said, that his hon. Friend (Mr. Ewart) had expressly stated that he proposed to give the option of adopting the Bill to the town councils of municipal boroughs, because this principle had been already adopted with respect to baths and washhouses; and he could see no reason why a different course should be adopted in the two cases. He was in a position to state that nothing could be more popular than these libraries in the large towns of Manchester and Salford, where they had been some time established. Nor could anything, in his opinion, be more beneficial. He believed that the establishment of libraries and the diffusion of instruction amongst the people would be the best means of police that could be established. He had rather see the people governed through their minds than by physical force, and would therefore support any measures that had a tendency to spread the blessings of education amongst them. It was said that the effect of this Bill would be to augment the poor rate, but he believed that in reality its effect would be to promote social improvement to such an extent as would in the end lead to a diminution of the poor rates.

Mr. MILES thought that the hon. Gentleman who had just sat down had given the most extraordinary reason for altering the present law respecting public libraries. The hon. Gentleman had stated that there was a precedent for the alteration now proposed to be made in the Act which gave the power of levying a rate for the establishment of baths and washhouses, but that did not appear to him to be a fair precedent. Both educated and uneducated persons might use the baths and washhouses, but it was only the educated portion of the community who would be able to take advantage of the public libraries. It was only fair to let that part of the population which could not read know that they were going to be taxed to the extent of one penny in the pound for an object from which they could derive no possible advantage. It appeared to him that the introduction of this Bill tended to show that the number of libraries which it was anticipated would be established at the passing of the Act now in force had not been established; but, in his opinion, it would become the Government to state what course they deemed it advisable to adopt. The House had just passed a most important and, he believed, most beneficial private Bill without any remark being made by any Minister, and now, when there was a public Bill before the House which proposed to repeal an Act passed only four years ago, not a single Minister had expressed any opinion on the subject. If the hon. Gentleman the Under Secretary for the Home Department did not state to the House what was the course proposed to be taken by the Government, he should certainly vote for the adjournment of the debate.

Mr. FITZROY said, he must apologise for the absence of the Members of the Cabinet, by stating that they were all occupied by their official duties. The noble Lord the Member for London (Lord J. Russell) had, however, told him what the views of the Cabinet were upon this question. The Act at present in force had been in operation for so short a period, that there had not been sufficient time to afford an opportunity of testing its results, and, therefore, the Government were of opinion that it would hardly be prudent for the House to consent to the present proposal, and still less so, as the present Bill was founded on a principle the direct opposite to that of the Act now in operation. The question had been so well argued, that he could only repeat that the argument appeared to him irresistible, that, while by the present law a rate could be levied by the consent of the majority of the ratepayers, good reason should be shown for taking away that power from the ratepayers and vesting it in the town council. As far as he understood the general feeling of the House and the principles of modern legislation, both were in favour of giving the ratepayers as much voice as possible in the management of their own affairs; and a large portion of ratepayers would not be contented with a rate levied by the town council without their consent. This was the view the noble Lord the Member for London took of this question, and that noble Lord had requested him, in the unavoidable absence of any Member of the Cabinet, to state that opinion to the House.

Mr. MONCKTON MILNES said, he thought the Government had no right to delegate even to the hon. Gentleman the expression of their opinion on the subject, but that if they intended to oppose the Bill, the noble Lord the Member for the City (Lord J. Russell) ought to have been present, in order to bring the whole weight of the Government to bear upon the decision of the question. In answer to the objections which had been made to entrusting the corporations with the power of establishing these institutions, he must remind the House that our town councils were representative bodies, elected by and responsible to their fellow-citizens; and that it might, therefore, be fairly presumed that they would not levy any rates which they believed would be obnoxious to their constituents. The Act now in operation had been most gratefully received by the largest and most populous of our towns, who were exceedingly desirous for the alterations in the law which would be introduced by the present measure. He was sorry to see that Her Majesty's Government were taking a course which would tend to discourage the noble efforts which the people of this country were making for the diffusion of education.

Mr. G. BUTT said, that the present measure was not confined to those places only which were under the operation of the Towns Improvement Act, but that it extended to all towns with a population exceeding 8,000 persons. The Act passed in the year 1850 enabled municipal bodies, by a vote of two-thirds of the ratepayers, to adopt the provisions of that Act, while by the Bill of the hon. Member for Dumfries it was proposed to vest the sole power in the town council. The question had been argued as if, by opposing this Bill, the people of this country would be prevented obtaining that which it was most desirable that they should obtain—he meant the fullest means of improvement; but that was not, he considered, a sound argument. So strong were his objections to the Bill that he should request the hon. Member for North Warwickshire (Mr. Spooner) to withdraw his Amendment, for the purpose of moving that the Bill be read a second time that day six months.

Mr. SPOONER said, he was quite ready to withdraw his Motion, and leave it to some other hon. Member to move that the Bill be read a second time that day six months. He had only moved the adjournment of the debate in order that the opinion of the Government might be given; that had since been done by the hon. Member opposite (Mr. Fitzroy.)

Mr. HUME said, he objected to this course. If the House rejected the Bill, it would appear to the country that they objected to its principle. Now, in fact, what was objected to was merely the giving of an increased power to town councils, which was a detail that might be amended in Committee. He hoped, therefore, that they would agree to an adjournment, in order to give the Government an opportunity of making up their minds on the subject.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 4; Noes 134: Majority 130.

Question again proposed, "That the Bill be now read a Second Time."

Mr. FITZROY said, he would now move, as an Amendment, that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. HUME said, he must call upon the Government to explain why they wished to postpone the second reading of the Bill for six months. Was it that they might bring in a better measure, or had they any other measure? He thought it would be most improper to reject such a measure without telling the country why; for this would in fact be telling the people that they were not capable of judging for themselves whether it was desirable to establish those institutions.

Mr. MONCKTON MILNES said, he had no doubt that the Government would bring in a Bill on this subject, but he feared it would not be for some time. He must beg the House to recollect that this Bill would confer a real practical benefit upon the people; and that while a large number of petitions had been presented in its support, not one against had been laid on the table of the House. He would, therefore, put it to the Government whether they would prevent the Bill from going into Committee, where, if it was thought desirable, the clause with respect to the levying of the rates might be struck out, while those other portions of the Bill which related to the extension of libraries might be preserved.

Captain SCOBELL said, that as a friend of education in every practical shape, he would support the second reading of this Bill. He, for one, was sorry that they were obliged to depend upon such small means — such infinitesimal instalments—for the education of the people, instead of upon some larger and comprehensive measure brought forward by the Government for the whole country. While, however, he supported the second reading, he must say that he thought it ought to be left to ratepayers to levy the rate, rather than the town council.

Lord STANLEY said, that he was quite prepared to give a hearty support to any measure of this kind which he thought was likely to be attended with practical benefit; and he would at this stage have overlooked minor defects which might have been amended in Committee. But the fourth clause, which gave to town councils the power of imposing rates for the support of public libraries, without any appeal to the ratepayers, appeared to him to be so objectionable, that he must oppose the second reading, seeing that this clause did, in effect, embody the principle of the Bill.

He took that course with great reluctance, because he believed that the object and intention of the measure were thoroughly good; and, if its supporters would omit the objectionable provisions to which he referred, and would confine themselves to the introduction of a large extension and amendment of the Act of 1850, he should be glad to give them his cordial support.

SIR CHARLES WOOD said, that the objection which the Government entertained to this Bill was, that it took out of the hands of the ratepayers, and gave to the town council alone, the option of laying a rate on a municipal borough, for an object which could hardly be considered as one of those necessaries for the provision of which the corporation should be entrusted with the power of levying local taxation. Only four years ago an Act was passed enabling two-thirds of the ratepayers to tax their fellow citizens for the support of public libraries. That Act had not yet been fully and fairly tried, and it was, therefore, he considered, not desirable to pass another until it was seen whether an adequate provision of libraries could not be made under its provisions. It was to the fourth clause, which contained the provision to which he referred, and not to the whole Bill, that the Government objected; because they thought that, until the existing Act had been fairly tried, it was not desirable that the option of levying a rate should be taken from the ratepayers and transferred to the town council.

MR. BRIGHT said, he could not see why there should be so much delicacy about entrusting town councils with a power to tax the ratepayers for the support of libraries, when they had been invested with such extensive powers of taxation for other purposes. He believed that the establishment of a public library would be discussed by a town council in a very different manner from that in which they entertained questions relating to any other expenditure. It would engage the attention of the most educated class in each borough, and would therefore receive a much more deliberate and calm consideration than was bestowed upon other matters. That being the case, he really thought that when town councils were entrusted with power to expend scores of thousands of pounds for waterworks and gasworks, for lighting, paving, &c., the power to levy the small rate which was contemplated by this Act might safely be entrusted to them. He was surprised that the Government should oppose the second reading of this Bill upon the grounds which they had alleged, especially as, hitherto, they had not been very scrupulous in allowing Bills to go to a second reading. He more particularly alluded to the Truck Bill, and the Bill respecting the Hosiery Trade and the Payment of Wages Bill. Here, however, was a measure against which there was really no opposition in the country, yet the Government resisted it. The objection of the noble Lord (Lord Stanley) was not against the principle, and it might be obviated in Committee.

MR. CRAUFURD said, he should support the Bill. Several petitions had been presented from Scotland to have the benefits of the former Libraries Act extended to Scotland, and it was part of the object of the present Bill to make that extension. It was desirable, therefore, that the Government should not in any way check the desire that was arising in the country for the advantages of education, and of all education he thought that self-education was the best possible kind of education.

MR. FORTESCUE said, that in reference to what had fallen from the last speaker, during last Session he brought in a Bill to extend the former Libraries Bill to Scotland and Ireland; and, though he was in favour of the extension of the system of public libraries, he conceived that the experiment would not be fairly tried under the proposed Bill.

MR. DUNCAN said, that the Bill referred to by the hon. Gentleman (Mr. Fortescue) for extending the operation of the Act of his hon. Friend the Member for Dumfries (Mr. Ewart) to Scotland had been found unworkable. The present Bill, he believed, would confer great educational advantages on Scotland as well as upon this country, and he believed if the right hon. and learned Lord Advocate were present, he would support it.

MR. W. BROWN said, there was a strong feeling throughout the kingdom on the subject of education. In the district with which he was more immediately connected there was a strong desire to acquire knowledge, and several libraries had been established for the use of the working classes. He hoped Government would allow the Bill to go to a second reading; and, if necessary, objections of detail could be overcome in Committee. If we extended education, we should empty our gaols, and do much to promote religious feeling.

Mr. SIDNEY HERBERT said, he regarded the fourth clause of the proposed measure as a main feature in the principle of the Bill; for it was obvious that, if that clause were expunged, the Bill must be altogether reframed. Undoubtedly his hon. Friend (Mr. Ewart) had a right to have any measure brought forward by him of this nature treated with respect, considering the exertions he had made for the intellectual advancement of the people. He believed the Bill his hon. Friend succeeded in passing through Parliament four years ago was forming the foundation of a very valuable source of improvement in our municipal towns; but if it were intended to carry the principle of that Act still further, looking at it as a means of extending information (and these institutions must be regarded in that light only, and not strictly as educational establishments), he believed they could not take a worse course than by attempting to force it upon those who might be reluctant to accept it. If they left it to the town councils to establish those libraries, in many of the towns the ratepayers would look upon it as a tax imposed upon them for the pupose of providing a library and meeting room for the members of the town council. He hoped, therefore, that the House would not consent to the second reading of the Bill. If it were considered necessary to amend the Act brought in by his hon. Friend four years ago, or the subsequent measure to which his hon. Friend (Mr. Fortescue) had alluded, let his hon. Friend withdraw the present measure, and introduce another confined to that purpose and to the same principle.

Lord DUDLEY STUART was much surprised at there being any opposition to the Bill, and much more at the quarter from whence it proceeded. Although the Bill was not strictly an education Bill, it had an educational tendency, and thus, by circulating information, its effect would be to discourage and prevent crime. In the borough which he had the honour to represent, a large and excellent free library had been established under the existing law; it was attended by great numbers of the working classes; and he could see no objection to extend the powers already possessed for so meritorious a purpose. As to the complaint that the Bill gave municipal councils and representative vestries power to tax the people, that he contended was not a valid objection, because those bodies were elected by the people; and if they taxed the ratepayers improperly, the ratepayers would remove them. He did not think the objection raised to the fourth clause was tenable, and he hoped, therefore, that the House would allow the Bill to be read a second time.

Mr. EWART said, he must deny that the fourth clause contained the principle of the Bill—it was only part of the details. The same question was so held in the year 1850, and he could see no reason for viewing it differently now. He did not at all understand the argument of the right hon. Gentleman (Mr. S. Herbert). Was there no representative capacity in town councils? Could they not properly guard the interests of the ratepayers? He thought in justice, and in accordance with the rules of the House, that the Bill should proceed; but if the alteration was forced upon him, he must submit to it, though, at the same time, he was bound to express his astonishment at the fatal facility with which Government consented to compromises—the drift of which he could not understand.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 85; Noes 88: Majority 3.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

UNIFORM ASSESSMENT BILL.

Order for Second Reading read.

Mr. PETO moved the second reading of this Bill, which he said he had introduced with the view of the question being fully and carefully considered in Committee. The poor-law assessment was the most uncertain of all the assessments in the country, and he desired to remedy the want of uniformity by bringing all other rates and taxes under the same mode of assessment. He was anxious, when the Bill was in Committee, to consider the practicability of rendering it imperative that all assessments should be made after the mode of the Parochial Assessment Act. At present the assessments through the country were made in utter disregard of that Act. It was true that other modes might be adopted. Poor rates, for instance, might be assessed upon the basis of the property tax. He could point to instances in the City and the suburbs where two houses, precisely alike in every respect, were rated, one at 35*l.* a year, and the other at 95*l.* And if the House would look at the assessments of various parishes to the poor rates, and compare them with that to the property tax, they would soon find such differences as would convince them that some legislation was assuredly necessary. It might be objected that, if this Bill became law, it would abolish the assessments under various local Acts. He admitted at once that that was his object, because nothing could be more objectionable, for such assessments were made precisely to suit the will and feelings of individuals. In the course of the inquiries he had made on this subject, he had been startled at the number and amount of unequal assessments, and therefore he was very anxious that the House should take the subject into its calm consideration. He was aware that the measure was in some respects imperfect, but it might be amended in Committee. For these reasons he hoped the House would affirm the principle by assenting to the second reading.

Mr. HADFIELD seconded the Motion.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Mr. HENLEY said, he could not avoid stating, that he was unable to understand the object of the measure of the hon. Member. The hon. Member wished a uniform basis of taxation, but did not state what that basis was to be. The Bill of the hon. Member would be impracticable, and it was impossible to say how it would work. It had been drawn by some one not very conversant with the bearings of the subject. It might be very good to get all property assessed on one uniform basis; but this never could be done. As the Bill would not work, he hoped the hon. Member would not give the House the trouble of requiring it to be amended.

Viscount PALMERSTON said, he fully concurred in the views of the hon. Gentleman who had brought in this Bill. No doubt, in theory, it was desirable to have a uniform basis of taxation for the whole property of the country; but when they considered the different modes in which taxation was raised, he feared the difficulties of establishing a uniform valuation would be found almost insurmountable. With regard to the poor rates, no doubt considerable progress had been made in Ireland in establishing a uniform rate of valuation; but he doubted whether a measure of this sort would be well received in this country. Every parish in this country had notions of its own; and the scale of value varied in different parishes to a very great degree. Then suppose the income tax was adopted as a basis, in the first place they had the assurance of his right hon. Friend the Chancellor of the Exchequer that it was not to be considered as a permanent tax; consequently, when the happy day arrived when his right hon. Friend or some other person occupying his place should inform that House there was no longer any necessity for that tax—for the prospect was not entirely to be abandoned—it was quite clear that it would be next to impossible to establish a scale uniform and just in its operation. The machinery for the purpose did not exist. A uniform scale might perhaps be constructed, but it would require a great deal of consideration, and be encountered by great difficulties; and he certainly thought the Bill of his hon. Friend was not well adapted to solve the problem which he desired to elucidate. Under these circumstances, he trusted the Bill would not be pressed to a division.

Mr. HUME said, there was no difficulty in doing the same thing in other countries, and why then should there be any difficulty in doing the same in England? In America the principle was carried out with great ease and satisfaction, and he could not see where the difficulty was as far as this country was concerned. He wanted all these indirect sources of taxation removed and a general tax on property substituted. It was wrong to allow parties or parishes to assess themselves. He thought the hon. Member (Mr. Peto) was doing a great public good by bringing forward this measure. In Belgium the system worked advantageously, and did away with that constant change of taxation which, according to our system, proved so unsatisfactory and annoying. He advocated one system of assessment, and that system to be based on the poor rate. This would do away with inequality, and much of the abuses and objections which at present existed.

Mr. V. SCULLY said, the system of valuation in England was very different to that of Ireland. By the English system great injustice was inflicted on Ireland, because Ireland was obliged to pay income tax on the full amount of the Government assessment, while in England, in some cases, not more than an income tax on an assessment of half the value of the property was paid. He thought the Bill ought to be rejected, because it was premature, and not calculated to effect its purpose. When a uniform valuation was established for England, as it was established for Ireland and Scotland, he should support the measure, but objecting as he did to the Bill in its present shape, he should move that it be read a second time that day six months.

MR. G. BUTT said, he would second the Amendment. He thought before the present Bill was brought in, there ought to have been one uniform rate of assessment determined upon, and as this had not been done, it was fatal to the success of the measure.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. PETO said, with the permission of the House, he would withdraw the Bill. He candidly admitted that the Bill was an imperfect Bill, and the reason was, that he felt a difficulty in deciding upon the basis, whether it should be the poor rate or the income tax.

Amendment and Motion, by leave, *withdrawn:*—Bill *withdrawn.*

COUNTY COURT EXTENSION ACT AMENDMENT BILL.

Order for Second Reading read.

MR. CRAUFURD, in moving that this Bill be read a second time, said that the object of the Bill was to extend the right of appeal given by the 14th section of the 13 & 14 *Vict.* c. 61, to all cases in which jurisdiction was given by the 17th section of the said Act, in consequence of the agreement of parties. It was supposed that the actions brought under that clause would have been the subject of appeal, but it appeared that the right of appeal did not extend to cases where the cause of action exceeded 50*l.*, and where the case was tried by consent of the parties in the County Court. The present Bill was intended to cure that defect.

MR. G. BUTT said, that doubts having arisen as to whether the right of appeal extended to cases of contract above 50*l.*, in which the parties agreed to come within the jurisdiction of the County Court, it was very desirable that the question should be settled, and he thought there could be no objection to the second reading of the Bill.

MR. PHINN said, he wished to take advantage of the present discussion to call the attention of the noble Lord the Secretary of State for the Home Department to the Commission appointed to inquire into the state and working of the County Courts, and more especially in reference to the table of fees and of costs to be established in those courts. The judges of the County Courts were in a most unpleasant predicament, on account of the costs in their courts being so large. There had been great delay in the adjustments of the scale of fees, and the business of the courts was coming to a deadlock for want of a settlement of the question. He hoped the noble Lord would be able to give some information as to when the Commissioners would present their Report.

MR. WHITESIDE said, in reference to the Bill now before the House, that when parties consented to refer their cause to the County Court, he looked upon it as if they had referred it to an arbitrator; and it did not seem reasonable that they should afterwards, in every case, have a right of appeal.

MR. G. BUTT said, the 17th clause of the Act did not constitute the County Court Judge an arbitrator, but gave him jurisdiction in cases above 50*l.* with the consent of the parties.

MR. HUME said, he wished to recall the attention of the noble Lord (Visct. Palmerston) to the question just put to him by his hon. and learned Friend (Mr. Phinn) respecting the fees paid by suitors in the County Courts. The amount of the fees was enormous. By a return which he obtained last year it appeared that the expenses in these courts amounted to 26½ per cent upon the whole amount of the money recovered by the parties. He had been informed that many of the suits which were within the jurisdiction of the County Courts were going back to Westminster Hall, where the parties could obtain a decision at less expense than in those courts. That was a subject which he was sure the noble Lord would confess was one which called for immediate attention.

VISCOUNT PALMERSTON said, the Commissioners had not yet made their Report. As soon as it was made he should be ready to lay it before Parliament. With regard to the present Motion, he had no objection to the Bill being read a second time.

Mr. MALINS said, that from the system pursued in the County Courts the judges were only able to attend to simple contract matters. They were obliged to move about from place to place, so that they could only devote one day to one place. When, therefore, cases of a complicated nature—such as a warranty of a horse, or the right of distraining for rent, in which questions of law might be raised —came before them, before the inquiry was closed they were obliged to postpone it to the next court day. This naturally caused great additional expenses. Besides, it was doubtful whether the judges were really competent to deal with such questions. It should be remembered that they were acting singly, without being watched either by the public or by the profession, while great power was thrown into their hands. He had occasion to bring a case before the noble Lord the Home Secretary where it was felt that justice had not been done by a County Court judge, and he was informed that that was by no means a solitary instance. He therefore hoped, if the House extended the jurisdiction of the County Courts, that they would at the same time provide a power of appeal against the decisions of the judges of those courts.

Mr. FITZROY said, that the view which the hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside) had taken of this Bill, relative to extending the right of appeal to cases exceeding 50*l.*, was that which he (Mr. Fitzroy) first took of it. It struck him that persons going into the court voluntarily, under the power given to them by the 17th section of the County Court Act, were in a perfectly different position from that of persons who were dragged into the court against their will. Having assented to refer their case to the County Court judge, it seemed contrary to common sense that on the decision of the judge going against them they should be at liberty to say, "We will now go to another court." This was the view he took on the first consideration of the Bill; but having made careful inquiries of those who were the best authorities on the question, he had been told that the 17th clause of the existing County Court Extension Act remained inoperative, because parties interested in cases which came under that clause were not much inclined to leave questions of law to the final decision of the County Court judge. The effect of the proposed appeal would be, whilst still leaving questions of fact to be finally decided in the County Courts, to enable questions of law to be carried to the superior courts; and therefore he would not further oppose the progress of this Bill. His (Mr. Fitzroy's) great object, two or three years ago, in proposing the extension of the County Court system, was not to alter the character of the jurisdiction of those courts, but he had thought that if they were competent to try actions of simple debt to the amount of 15*l.*, they were able to try similar cases to the extent of 50*l.*; and he would even have gone the length of 100*l.*, if the House would have consented to it. By recent legislation, however, Parliament had thrown an immense accession of extraordinary business into the County Courts. The Charitable Trusts Act, the Customs Consolidation Act, and other Acts, had tended greatly to impede the ordinary operations of these courts in adjudicating upon cases of small debt between creditor and debtor —the class of business which the County Courts were originally established to transact; and if the present system of accumulating other functions upon these courts were continued, it would soon become necessary to set up other local courts of an inferior character, for the purpose of discharging the duties from which the County Courts had been diverted by a higher, but not more important, class of business.

Bill read 2°.

PROPERTY DISPOSAL BILL.

Order for Second Reading read.

Mr. WHITESIDE moved, that this Bill be read a second time.

Mr. PHINN said, as he had taken a part in the discussions on measures of this description and akin to it, he wished, at the earliest opportunity, to ask the hon. and learned Gentleman what he considered the principle and what the details of his Bill. He approved of some of the objects, but not of the machinery of the Bill, and unless he could clearly ascertain that in voting for the second reading of the Bill he should not commit himself to the machinery by which it was proposed to carry out the object of it, he should be reluctantly obliged to vote against it. Last year considerable discussion was had on the subject of nunneries, and it appeared to be agreed that the object all ought to look to was to protect the inmates of convents and nunneries, first, with regard to their personal liberty, and, secondly, with regard to the disposal of their property. He confessed his opinion in respect to the first part of the subject was very much modified by what transpired in the course of the debates; and he certainly thought, with regard to an undue control being exercised over persons in convents, an exaggerated case had been presented to the House; but, as respected the necessity of some measure for the protection of the property of those persons, he did not think that the case was exaggerated at all. Instances were introduced in the courts of law of undue control having been exercised in regard to the disposal of the property of professed nuns. However pure and proper their spiritual instructions might have been in the main, yet it did appear that those institutions afforded great opportunities to evil-disposed persons for obtaining undue advantage over persons inmates of those institutions with regard to their property. He thought, therefore, it would be very desirable, and would be the means of obviating some very acrimonious and rancorous discussions in that House, if a fair measure could be enacted with regard to the property of those persons. It appeared to him, as exceptional legislation was always offensive, that they might treat these persons very much in the same way as married women were dealt with who were supposed to be under the control and influence of their husbands. The safeguards that he would suggest were, that no alienation of property should be allowed to be made by a woman who had taken a religious vow without those precautions being taken that were placed around a married woman. No deed or disposition of any property should be executed within the walls of the convent; and the person should leave the convent and appear before some high functionary, such as a Judge, and be examined as to whether the disposal of her property was by her own free will. He had been told, in private, that if such a measure were proposed in a manner not calculated to wound the feelings or offend the opinions of the persons who would be so examined, very little opposition would be offered to it. When he formerly made this proposal to the House, he believed he had the concurrence of the hon. and learned Member for Enniskillen (Mr. Whiteside). He (Mr. Phinn) still adhered to the suggestion, with this addition to it, that every disposition made by these persons should be revocable during their lives. Looking at the Bill before the House, it struck him that it went a great deal too far. The effect of it was this—it put the onus on parties who had property to prove a negative. Now, he did not think it was necessary to have any such provision in the Bill. It was a reversal not only of the ordinary course of justice, but of all the rules of natural justice and equity. It might be said, that it was very difficult to detect these things; but the very fact of a person being in a convent, and the notoriety that she was liable to those religious impressions and influences, were part of the elements upon which a Judge founded his ultimate decision. This plan of attaining the salutary object which he believed the hon. and learned Gentleman (Mr. Whiteside) had in view, he considered, was preferable to the machinery of the present Bill. The preamble of the measure was very obnoxious to the feelings of Roman Catholics. Again, its enactments provided that any act, deed, or contract executed, or entered into, or performed by a nun, should be deemed and taken to have been done under the coercion of her vows, and at the dictation of those who claimed authority over her as her spiritual directors, and against her own free will and judgment, unless proved to the contrary in a court of law. This, he thought, was a most objectionable proposition, and would amount, in fact, to saying that no woman should transfer anything to a convent. If that was the object of the hon. and learned Gentleman, let it be openly avowed. Was this first clause the essence of the Bill? Was it the principle of the Bill? Or, did the hon. and learned Gentleman mean, if the House should agree to the second reading of the Bill, to take it only as an expression of a desire on their part that some provision should be made with reference to these persons? He could wish that they could all agree upon some measure which would allay the irritation existing out of doors upon this subject. Could that be accomplished, it would go far to prevent the necessity of the hon. and learned Member for Hertford (Mr. T. Chambers) proceeding with the appointment of his Committee, and would put a stop to a discussion which he confessed had been carried on in such a spirit as almost to make him come to a determination that he would never more take part in any discussion in that House.

Mr. FAGAN said, he objected entirely to the hon. and learned Gentleman proceeding with his Bill at present, because on its first reading a distinct understanding was entered into with the noble Lord the Secretary of State for the Home Department and with the hon. and learned Attorney General that the Bill would not be carried further than the first reading until the Committee on Conventual Establishments had reported. The hon. and learned Gentleman (Mr. Whiteside) had rested his proposition almost exclusively upon the celebrated case of the Blackrock Convent, and as the Misses M'Carthy were near relatives of his, he (Mr. Fagan) had paid considerable attention to the circumstances of that case, and would be able to show that the hon. and learned Gentleman was wholly in error in asserting that the deeds executed by these ladies had been executed by them at the dictation and importunity of their spiritual superiors, and in contravention of their own feelings and wishes. He hoped the House would forgive him if he felt it necessary to read some documents bearing on this case, which had been so often referred to, and which had been made the means of creating unjust impressions with regard to these communities. He had received a letter from Miss Catherine M'Carthy, his cousin, who was one of the ladies interested in the case he had referred to. It stated—

> "As I have heard through a friend that our unfortunate lawsuit has again been brought forward to assist the prejudices of others, I beg of you to make use of this communication as a denial that at any time I have led others to suppose that the deed of assignment made by me, or my sister, was executed under the coercion of superiors, or through any intimidation whatsoever, but solely from the dictates of my conscience. It never was impugned by me. You may remember a conversation which I had with you after the decree of the Lord Chancellor, which partook of the same sentiments as above; by reference to my sworn evidence in the cross bill, you will find a clear statement of the case. I had written to John (my brother) at his marriage, assuring him that it was my wish that he would pay the money to the community, whom I consider entitled by law to it under the deed of trust, which, I again repeat, I was not influenced by my superiors, or any one else, in signing; the same I can assert on the behalf of Maria. As I have heard that you are on the Committee, I hope that by showing this note to the Gentlemen you may remove the slander from their minds, and obtain justice to be done to our convent, which has been so much maligned. I have been deeply pained by the manner we have been spoken of, and I am aware of your sympathy, for which may God reward you. The superiors do not know anything of my writing this note, therefore you may rely on its being my own sentiments."

The affidavits alluded to in the letter were not heard at the trial before the Lord Chancellor, the other side having objected to their reception on technical grounds, which they were legally entitled to do. Thus, the evidence which had been quoted by the hon. and learned Member in introducing this Bill had never been enabled to be contradicted. Then, again, there was the affidavit of Miss Catherine M'Carthy, in which she swore that she executed the deed of the 13th of March, 1844, of her own free will, and that the defendants never intimated to her that she would violate the vows if she refused to execute it. Now the hon. and learned Gentleman had said that the deed had been executed by the ladies under their vow of obedience to their superiors; but that was a total error. The vow of obedience had nothing to do with their property; it was under the vow of poverty that they gave their property to the community. In the affidavit of Miss Maria M'Carthy, which was to the same effect as that of her sister, she stated that the assertion of the bill filed by the plaintiff, that the deponent was not allowed to assign her share of the assets of her deceased father to her brother was untrue; that it was her own desire to assign it to the glory of God, and that she had executed the deed of the 29th of March, 1843, expressly for the benefit of the convent, free from all attempts at undue influence. He (Mr. Fagan) therefore believed that, if the whole of these documents had been admitted in evidence before the Lord Chancellor, the judgment upon the merits of the case would have been entirely different.

Viscount PALMERSTON said that he had two objections to offer to the second reading of this Bill. In the first place, undoubtedly there was an understanding that the Bill might be brought in and read a first time, but that its further progress should be suspended till the House had decided on the question of the appointment of the Select Committee on Conventual Establishments. It was felt that the House might decide one way or the other—either for or against the Committee—but the distinct understanding was that the Bill should be postponed till some step was taken with regard to the selection of the Committee. On that ground, therefore, he thought the hon. and learned Gentleman ought not to press the second reading at this time. But, he must own, that the Bill itself appeared to him objectionable. Everybody must admit that its preamble was a preamble that ought not to stand;

it was full of assertions which might be well or ill founded, but they were not necessary for the enactment that was to follow, and they were calculated to give offence to Roman Catholics, which that House ought to be desirous of avoiding. The preamble, therefore, he thought on that account ought to be struck out. Well, then, he considered that the enactment was objectionable too. It was either too much or too little, and did not provide the means of accomplishing the object which the hon. and learned Gentleman apparently had in view. He (Lord Palmerston) could quite understand a proposition that nuns should be considered (as was the case in some Catholic countries) as civilly dead, and therefore incapable of leaving property to anybody after taking their vows. That was an intelligible ground—some thought it right, and others thought it wrong; but it would accomplish its purpose, and be simple in its execution. Now, this Bill went to provide that an assignment on the part of a nun should be invalid unless it was proved that it was made with her own free will and consent. The very arguments of those who supported this Bill showed that this enactment would be a nullity, because the assumption made was that there was a moral power and influence exerted over the will and the voluntary efforts of mind of those nuns, which they were unable to resist, and that they were compelled by a moral coercion to transfer the property they had to the convents. But, as he (Lord Palmerston) had said when this Bill was first brought in, if the nun, acting under this moral coercion, desired to transfer her property, it would be impossible for anybody to prove afterwards that the deed was not executed of her own will. The very assumption that a nun believed her welfare in a future state to depend on her executing such a deed—the very assumption that that belief was impressed on her mind as the consequence of taking the vow of poverty—showed that, in ninety-nine cases out of a hundred, the provision in this Bill would be a mere nullity. He therefore objected to the second reading of this Bill, because it was contrary to the understanding that it should not be proceeded with; next, because the preamble ought not to stand; and, lastly, because the enactment would not accomplish the object its author had in view.

Mr. WHITESIDE said, he could not refrain from expressing his surprise at the course taken by the Government on this occasion. He had certainly understood the noble Lord to say, when the Bill was introduced, that, having taken the advice of the hon. and learned Gentleman the Attorney General, he was favourable to the principle of it. But the noble Lord took this objection to the Bill—and his speech was on record—that the Bill did not go far enough, and that it did not render absolutely void any will executed within the walls of a convent. [Lord Palmerston: Hear!] Just so. He understood the noble Lord then, and he thought he understood him now. If the Government intended to oppose the Bill, let the opposition be of an open and manly character, and let the House come to a decision on the question at once. The noble Lord must have spoken under misapprehension when he referred to some understanding which he supposed to have existed, to the effect that this Bill was not to be proceeded with until the House had appointed the Conventual Establishments Committee. To such an understanding he had been no party; and it was a mere mockery for the noble Lord to make the progress of the present Bill dependent on a Committee which, according to present appearances, would never be appointed. He found that the hon. and learned Member for Dundalk (Mr. Bowyer) had given notice of his intention to oppose the nomination of that Committee, and it was an intention which very likely would be fulfilled. In fact, the hon. and learned Member had announced his determination to oppose the nomination of every Member for that Committee. It was a perfect mockery, therefore, to say the least of it, for the noble Lord to hand him over to the appointment of a Committee which, in all human probability, never would be appointed. He was perfectly ready to refer the Bill to any Committee of impartial and unprejudiced men. With all his respect for the noble Lord, he must say that he had utterly failed in his argument against the Bill. Neither had the noble Lord correctly stated the principle of the law. First, the noble Lord said that the preamble of the Bill ought to be disposed of. That certainly was disposing of it very readily. Had the noble Lord proved the preamble to be untrue, or ill-founded? He was not bound by the words of the preamble; and if in Committee it could be shown that it was not sustained by facts, he would consent to its being rejected. But was it the real objection of the noble Lord that the language of the preamble was objectionable? Had the noble Lord not resorted, for the purpose of defeating the Bill, to arguments which had been used against every Bill on the same subject? The noble Lord said that the Bill was all wrong in principle. In deference to certain Roman Catholic Members he wished to explain why he had attempted to frame the Bill in the mode in which it stood. When the subject of conventual establishments was first introduced, a good deal of excitement existed, and several members of his own profession, and also several lay members of the Roman Catholic persuasion, had said, if he could frame a Bill which would keep clear of visitation and intrusion into convents, and of everything offensive to them, but which, at the same time, dealt with property, that he should be considered as at perfect liberty to introduce such a measure to the House with the assurance of their support. Upon these occasions, he must frankly admit, his attention was directed to the analogy of married women. The noble Lord objected to the machinery of the Bill, but had not condescended to offer any argument in support of his objection. It was all wrong, the noble Lord said; but still he did not venture to assign reasons for his opinion. What was meant by such a course it was impossible for him to divine. There was no provision in the Bill calculated to give offence to Roman Catholics; all it did was to guard against the exercise of undue influence in the disposition of property. If a nun should bequeath any property—say 10,000*l.*—to a convent, the Bill gave the relatives of that lady—themselves Roman Catholics, remember—power to determine whether undue influence had been exercised upon the lady in regard to the testamentary act. Was there anything unjust in that? Let the people of England be appealed to, to declare whether there was anything harsh, oppressive, or insulting in saying that the Roman Catholic lay members of every nun's family should be the persons to decide whether their relative's will should stand or not? What chance would there be of ever getting any Bill on the subject if this moderate proposition should be rejected? Unless he greatly mistook the feeling of the people of England and Scotland, and of the whole empire, he thought Roman Catholic Members would act wisely in allowing this Bill to pass. It was framed with the fair and honest intention of preventing the alienation of property from Roman Catholic families to conventual establishments, of which several instances had been brought under the notice of our courts of law. In addition to the cases which he referred to on a former occasion, he might notice another which he was then aware of. Mrs. Blake, a lady of high character, had published a pamphlet respecting the case of her sister, who was in a convent. In an interview with her sister, Mrs. Blake said, "Surely, you will not dispute your brother's will?" The reply was, "I cannot help it; if I do not I cannot stay in this house, and would scarcely be received in any other." Under such circumstances, could it be said that these ladies exercised their free will? Could this be called a free disposition of property? The Bill was founded on the principle of law, that a deed executed under undue influence must be set aside, because the law of England abhorred undue influence. In all the legitimate relations of life—by which he meant relations acknowledged by the law—such as parent and child, husband and wife, master and servant, trustee and *cestuique* trust, attorney and client, in the event of the weaker party executing a deed in favour of the stronger they required satisfactory proof that the transaction was fair and honest. You protect the child against the parent, the wife against the husband; will you not protect a helpless woman against the influence which can be brought to bear upon her in a nunnery? In the M'Carthy case, where the poor lady hesitated to sign the deed and was as a dead woman, so that it was necessary to place the pen in her hand, the bishop, standing near, uttered the words, "Madam, remember your vow!" Under such circumstances, was it not evident that the lady was prevented from exercising her free will? If the noble Lord should succeed in throwing out the Bill upon the second reading, that was an event which he had the satisfaction of knowing he could not control. But, be that as it might, he must say he much preferred submitting the Bill to the decision of that House, and to the still more important decision of the country, than to consent to the mockery of sending it up for the consideration of a Committee which might never be appointed.

MR. KEOGH said, he had listened upon several occasions to the speeches of the hon. and learned Gentleman who had just resumed his seat upon subjects similar to that which they were then employed in discussing, and he must say that the hon.

and learned Gentleman had not, by the observations which had just fallen from him, thrown any new light upon the question under their notice. In making those observations, the hon. and learned Member had, to a considerable extent, misrepresented the arguments to which the noble Lord the Secretary for the Home Department had given expression. The hon. and learned Gentleman had stated that the noble Lord had designated the assertions which were in the preamble of his Bill as untrue. Such, however, had not been the case. The noble Lord had merely stated that those allegations, whether true or not, were simply unnecessary for the promotion of the objects which the framer of the Bill professed to have in view, and were of a nature which was well calculated to give offence to the feelings of Roman Catholics both within that House and throughout the country. The hon. and learned Gentleman had also been guilty of another misrepresentation. He had stated that the noble Lord had, upon a former occasion, complained of the Bill as being one which did not go far enough, while the course which the noble Lord had in the present instance pursued had been highly inconsistent with that statement. Such, however, had not been the sentiments with reference to the Bill which the noble Lord had, upon the occasion to which the hon. and learned Gentlemen referred, given expression. The noble Lord had then merely observed, that the Bill did not propose to go far enough upon the principles—the hon. and learned Gentleman's own principles and his views in framing that measure being taken into consideration. Now what was it that the hon. and learned Gentleman proposed by his Bill to effect? He would ask the right hon. and learned Member for the University of Dublin (Mr. Napier) whether the first clause in that Bill did not go so far as to make void a deed devising the property of a nun to any member of her family—her father, her sister, or her brother, or even a convent—unless she should prove to the satisfaction of a court of law that such deed had not been executed under the pressure of undue influence? If that were so, it would prove that the Bill had not been framed with all the accuracy in the world. The Bill made no provision against the exercise of undue influence by a medical man. There was a trial now going on, not far from the metropolis, which showed that a medical man could exercise important influence over a patient. In addition to the other arguments which he thought it right to put forward against the second reading of the Bill, was that which was founded upon the concurrence of the hon. and learned Gentleman in the proposition that the measure should not be pressed forward a single stage until the Committee to be nominated for the purpose of inquiring into the internal arrangements of conventual establishments had been appointed. Now, that Committee had not yet been nominated; but to-morrow the selection of Members to serve upon that Committee was to take place. Under these circumstances, he thought the hon. and learned Gentleman must be aware of some insuperable obstacle to the nomination of the Committee in question, when he observed that he was fairly entitled to assume that it would never be appointed. If the hon. and learned Gentleman knew that there was some insuperable obstacle to the appointment of the Committee, which he said could never be appointed, why had he and those who acted with him wasted the time of the House with vexatious debates upon that question? The hon. and learned Gentleman must not be disappointed if he was occasionally opposed in a manner less bland and courteous than that which the right hon. and learned Member for the Dublin University (Mr. Napier) had at his command; but if he made assertions which could not be borne out, he must be met by reminiscences, which, though they might be unpleasing to him—[Mr. WHITESIDE: Not in the least]—would convince the House that he had not correctly stated the facts of the case. The hon. and learned Gentleman said, that if he could frame a Bill which would not be offensive to the feelings of the Roman Catholic Gentlemen, some of them had promised to assist him in passing it into a law, but he must certainly acquit him of all appreciation of what was offensive to the feelings of his fellow-countrymen, if, after he had read the preamble of this Bill, he could hope to leave an impression upon the mind of the House that he had complied with that requisition, and had introduced a Bill free from offence to the Roman Catholic part of the population.

MR. NAPIER said, as he had been referred to by the hon. and learned Member who last addressed the House, he would trouble them with a few observations with regard to the principle of the Bill, without occupying its time with acrimonious personalities. The hon. and learned Gentleman had asked whether the effect of the first clause of the Bill would not be to nullify a gift from a nun to a brother or any other near relation; but a gift from a nun to her brother would be contrary to her vow of poverty, and that was the very thing of which he complained. It was clearly established in the Macarthy case that a nun had not the power of making a gift to a younger brother in consequence of the constraint of her vow. He was decidedly of opinion that those vows of poverty and obedience were contrary to the spirit of the constitution and to the English law. Before the Reformation the persons who took them were by the common law held to be civilly dead—mere ciphers in society—but the principle of our law now was, that every one was a unit in society, and yet it was said that a relation between two persons which had the effect of producing the civil death of one of them ought not to be treated in the same manner as a relation like that which existed between attorney and client. The preamble of the Bill was complained of as offensive, and, of course, everything must be offensive in a degree which conflicted with the religious sentiments of any party; but if the manner was not offensive—if the language employed was becoming and proper—it would be evident that insult was not intended. The point was whether or not the preamble was true? The other night the Government had introduced a Bill in order to prevent undue influence being exercised over voters at elections, but was it not the duty of the law to enable parties to dispose of their property as well as to give their votes freely? Did any one in that House believe that when a nun had taken the vows of obedience and poverty, which could not be dispensed with even by a Roman Catholic bishop without the sanction of the authorities at Rome, she was able to act of her own free will? The proposition was a monstrous one, inconsistent with reason and justice. He thought the preamble was necessary, because when the relation of a nun in all its incidents was referred to, we must go to the records of Courts of Justice to find what cases had arisen, in order to lay a foundation upon which to proceed. He believed that every portion of the preamble was strictly true, and he was of opinion that, according to all just analogy and right reason, this Bill did not go far enough, but that, as far as it went, it remedied a great evil.

Mr. R. PHILLIMORE said, that the speech of the right hon. and learned Gentleman proved the truth of the statement of the noble Lord (Viscount Palmerston)—that the hon. and learned Member for Enniskillen (Mr. Whiteside) did not by this Bill carry out his own proposition. In his opinion the Bill did not go far enough, and he did not believe that the question would ever be set at rest until the Legislature had made up its mind to recognise *de jure* that which already existed *de facto*—namely, the existence of conventual institutions in this country—and had then revived the wise law which treated those who went into them as civilly dead. His objection to the Bill, however, went still further. It dealt with a particular class of cases in which undue influence could be exercised; but it left untouched an important class which ought also to be made the subject of legislation, for the influence which medical men exercised over their patients upon death-beds called more loudly for the interference of the House than any case which had ever been proved against a Roman Catholic priest. In proof of this he would state a case in which he had been engaged as counsel. A lady who had a large property at her private disposal being afflicted with a dreadful kind of disease, her husband sent for a medical gentleman, who attended her for six months, at the end of which she died, and soon afterwards her husband learnt, for the first time, that she had left the whole of her property to that medical gentleman. The Judicial Committee of the Privy Council, before whom the case was argued, expressed their regret that, as two witnesses had sworn to the lady's sanity, they could not set aside the will, although they spoke in no moderate terms of the manner in which it had been acquired. He should wish legislation on this important subject to be undertaken in the spirit of the French code, which rendered it impossible for any woman to leave to a medical man or to a priest any property, except under certain restrictions; and the same restrictions ought to apply to the Presbyterian as well as to the Roman Catholic priest. This Bill most invidiously pointed to undue influences of a class which, he believed, were very rarely exercised, while it left untouched those of another class which he knew, from his own experience, were constantly exercised. Another objection that he felt to this Bill was, that if the Committee which had been referred to was to sit, its chief, if not its only duty, would be to inquire into the whole state of the law on this subject, and, looking to the immense importance of the measure, both as it affected a direct recognition of the existence of nunneries in this country, and as it affected our testamentary jurisprudence, it ought, if it were passed at all, to be based upon larger and broader principles, and not to be assented to until the opinion of the law officers of the Crown had been distinctly expressed upon it, and it had been considered by the House with proper deliberation.

Mr. MALINS said, that the sentiments of the noble Lord the Home Secretary seemed to have undergone a considerable alteration with reference to the principle of the Bill which they were then employed in discussing. The noble Lord had upon a former occasion expressed himself as being favourable to that Bill, and yet he had stated, in the course of the observations which he had made but a short time previously, that to its principle he was altogether opposed. He (Mr. Malins) had always been of opinion that the noble Lord was one for whose support they might look with confidence in their endeavours to keep the power of clergymen of all religious denominations within due bounds. But it might be that the noble Lord, amid the difficulties with which the course of the Government was at present surrounded, was unwilling to lose the support of those Members of the Roman Catholic Church who sat upon the other side of the House, by taking any step which would be at all calculated to give them offence. That was, perhaps, the consideration which weighed with the noble Lord in taking the course which he had that evening taken with reference to the Bill of the hon. and learned Member for Enniskillen; and if so, it was obvious that upon the co-operation or support of the noble Lord in resisting clerical aggression, they could no longer place much reliance. One of the noble Lord's objections to the Bill was that it did not, in his opinion, go far enough. But was the noble Lord, he would ask, prepared to lend his aid in passing into law a measure of a more extensive character? If he would but give them an assurance to that effect he thought that the objection of the noble Lord to the measure before them was one which could very easily be removed. Now, what in reality was the principle of the Bill which the noble Lord had not hesitated to condemn? It was a principle founded upon the laws of the country, which stated that in those cases in which the disposition of property was proved to have taken place under the pressure of undue influence the instrument by which such disposition was made should not be looked upon as valid. The hon. and learned Member for Tavistock (Mr. R. Phillimore) seemed to misapprehend the principle of the present Bill. He had cited a case where a physician obtained a legacy from a patient. He did not know how these cases were settled in Doctors' Commons, but there was a case where a gentleman had agreed to give a surgeon 25,000*l.* as a remuneration for his services. This sum was a trifle to the gentleman's large fortune, but it was decided by Vice-Chancellor Sir Lancelot Shadwell, and the judgment was afterwards confirmed by Lord Cottenham, that it must be set aside as obtained under undue influence. In fact, the principle laid down by Lord Eldon was adhered to, that where a gift was made to a party who stood in a confidential relation to the giver, then the burden lay upon the receiver to prove that the gift was the free and deliberate act of the party, or else it was set aside. This was the principle that was sought to be adopted in this Bill.

Mr. SPEAKER said, he must inform the hon. Member that, according to a standing order of the House, which had been framed during the present Session, no debate upon a question under their consideration could be proceeded with beyond a quarter to six, but should stand adjourned to another day.

Debate *adjourned* till *To-morrow.*

The House *adjourned* at ten minutes before Six o'Clock.

HOUSE OF LORDS,

Thursday, April 6, 1854.

MINUTES.] PUBLIC BILLS.—1ª Ministers' Money, &c. (Ireland).

2ª Benefices Augmentation; Arbitration Law Amendment.

WAR WITH RUSSIA.

CONVEYANCE OF RUSSIAN TROOPS THROUGH THE BLACK SEA—QUESTION.

THE EARL OF MALMESBURY: Seeing my noble Friend the Secretary for Foreign Affairs in his place, I think it my duty to ask him a question which cannot but be of the greatest interest to the House, and notice of which I gave him in a letter I wrote to him this morning. I beg to direct the attention of the noble Earl to the renewed reports, confirming almost to a certainty the accounts given in the public papers, that the Russian ships had left Sebastopol in very considerable force, (some letters say with troops on board, and others without), and that that fleet had made a diversion in two places, one at the mouth of the Danube, where it is reported that 4,000 men have been landed, and the other on the Circassian coast, where it is alleged that they have taken men out of some of the garrisons for the purposes of strengthening others; so that it would appear that, notwithstanding all that has taken place, Russia is allowed, totally unmolested, to strengthen her forces and shift her troops across the Black Sea according to her views as to the necessity of such operations. Now, my Lords, since we have begun this unfortunate war, nobody feels more than myself how highly improper it would be either to embarrass the Ministers with useless questions or to make any observations which would be indiscreet, and which might tend to affect the operations or proceedings of Her Majesty's military or naval officers at the theatre of war. I have never asked my noble Friend any question which might have a disadvantageous tendency as to what were the intentions of Her Majesty's Government with respect to their operations in those parts; but still I see no disadvantage that can result. On the contrary, I think it advantageous, and a duty which the Government owe to the country that they should inform it of facts which have actually occurred, and of the events which are passing at the present moment. My Lords, these reports have certainly created a very strong impression upon the public mind, intermingled with no very pleasant feelings. It is well known that for many months there has been a large fleet of English ships, joined to an equally large French fleet, lying within reach of Constantinople. No doubt the public expected more than they ought from those fleets; but since their arrival there events have taken place which have certainly in their nature rendered the fleets fairly liable to obloquy on the part of the public—and I need only allude to the affair of Sinope as one of those events. Of that melancholy affair nothing more need now be said; but it does appear, that, from some cause or other, our fleets have not been able to occupy that position and assume that mastery upon the Black Sea which we have been led to anticipate; but, on the contrary, having made, as far as we can learn, several attempts to occupy that sea, they have been obliged to return, after a very short sojourn in the Euxine, to their anchorage at Beicos Bay. The winter is now passed; and now, my Lords, we are told that a squadron of Russian ships has come out from Sebastopol, that they have landed troops in safety on the shores of the Euxine, and that an English frigate has reported that operations of a similar character have taken place on the Circassian coast. Assuming these reports to be true, nothing can be more mortifying, after the manner in which we have put forth our pretensions to command the Black Sea, and after the manner in which notification of our intention to do so has been given to the Russian fleet at Sebastopol by an English frigate—nothing can be more mortifying than to find that we should have been unable to act with such energy as to prevent the conveyance of succours and reinforcements by the Russian fleet to any portion of their forces carrying on active operations. The question I would now ask of my noble Friend the Secretary for Foreign Affairs is, whether the Government has had any information confirming these reports; and, if such reports be true, I beg to ask him whether he has any objection to state why the English and French fleets have been content to lie inactive, as it were, at Beicos Bay; and why, also, it appearing that the Russian ships have been enabled to navigate the Euxine, it has been thought dangerous or inexpedient for the English fleet to do so, whereby it has been prevented from intercepting the supplies sent to our enemies?

THE EARL OF CLARENDON: My Lords, I am very far from considering the question which has been put to me by my noble Friend as of a useless or improper character, and I agree with him that the people of this country ought to be informed of the great events which occur in the present juncture, although the Government are certainly not bound to give any information as to the disposition of our fleet for prospective operations; but I cannot agree with the noble Earl in thinking that our fleet is liable to be exposed to fair obloquy, or any obloquy at all, for I believe that it will turn out that since the notification to which allusion has been made by my noble Friend, the Russian fleet has not been in the Black Sea at all. According to all the information which the Government has received since that time, none of the Russian fleet has entered the Black Sea, and therefore I consider that the object the Government had in view when it gave directions that the Russian fleet should be confined within Sebastopol has been fully obtained. Your Lordships will be probably aware of the situation and the condition of Sebastopol, and must be convinced of the very great advantages derived by the Russians from the possession of that important port. To a certain extent it may be said to command the Black Sea, affording extreme facilities to the Russian vessels to pass out and return without being seen; and unless, therefore, we had actually occupied the Black Sea, or rather blockaded Sebastopol in full force during the whole of the winter months, it would have been impossible to secure that no Russian ship should come out of it. Your Lordships must remember that the Russian fleet which occupies Sebastopol is a powerful and numerous one, and it could not be kept in that port except by the greater portion of the combined fleets. If, therefore, only a few vessels had been left there, the Russians might have come out in superior force and inflicted a loss upon the British and French admirals, while the effect of the whole of the fleet being employed to blockade the mouth of Sebastopol during the bad weather of the winter months—and I can tell your Lordships the weather in the Black Sea has been particularly bad this season—would have been to expose their ships to imminent danger, and to the certain wear and tear of the bad weather, while the Russians would have been lying safe and snug within the harbour, and at the approach of the time which has now come upon us, when war has been declared, their whole fleet would have been in the most effective state, while the combined fleets, from the causes I have enumerated, would have been very ineffective. It is for those reasons that the Black Sea has not been occupied by the whole of the fleets, as my noble Friend has remarked; but they have been constantly cruising there. The whole of the steam fleet was out there on the 18th of last month, and our steam frigates have been constantly cruising there, so as to give timely notice to the Admirals of any intention, as far as such intention could be ascertained, of the Russian fleet to come out. Both the Admirals considered that Beicos Bay was the best place where the main body of the fleet should lie to receive notice from the scouts and be prepared to act accordingly. With respect to the particular question which my noble Friend has asked me with regard to the ships which, it is alleged, have gone out from Sebastopol, and conveyed troops to Varna and to Circassia, I can only repeat to him what I said the other night—namely, that we have no official knowledge at all of the fact, and such knowledge as we have induces us to believe that no such circumstance has occurred. It has been alleged that the first information which was given of these Russian ships having taken out troops was by an English ship—an English frigate, too—but what does the real fact turn out to be? Why, that the only news that has been received at Constantinople of the kind was brought by the master of a Bremen vessel, who stated that several Russian ships had gone out from Sebastopol and landed troops at the portion of the coast indicated. On the receipt of this information, Sir Edmund Lyons went to Constantinople, saw the master of the Bremen vessel, and instituted an inquiry, the result of which was, that the report turned out to be untrue, it being proved to the entire satisfaction of the officers who conducted the inquiry that the master never could have been in the position necessary to see the operations he described. But, my Lords, on the 22nd ult. Sebastopol itself was reconnoitred by an English ship of war, when it was found that the whole of the Russian fleet was in that harbour. Since that time the whole of the united fleets have gone into the Black Sea, and on the 24th they proceeded to Varna, and I have this day received letters from Admiral Dundas and Sir Edmund Lyons, in which they both express their belief that no such circumstances have occurred as have been stated.

The Earl of ELLENBOROUGH: If, my Lords, during the course of the war it is to be the practice to criticise minutely the whole of the details and operations of our naval and military commanders, it will be attended with the greatest inconvenience. I am quite satisfied that it will be consistent with principles of true wisdom and policy that we should place on all occasions the most favourable construction upon their actions. They must of necessity feel the deepest responsibility in the circumstances under which they are placed, and if, added to their anxiety to serve their country and merit the approbation of their Sovereign, a still deeper anxiety attaches to their minds in the knowledge that they must expect upon all occasions that either in this House or otherwise in public their operations are to be minutely criticised, you will not leave them that free mind and that full exercise of their faculties which are absolutely necessary to enable them successfully to perform their most important duties. My Lords, I know this from having seen on many occasions the deep suffering of the bravest officers under the reflections cast upon them by the public press, embodied in observations which men in ordinary circumstances might have treated with the utmost contempt. Of all men, military and naval officers are the most sensitive. No one can imagine the degree of sensitiveness with which they regard all observations on their professional conduct; and I earnestly conjure your Lordships, if you desire that they should exercise all their faculties for the good of the country, to abstain to the greatest possible extent from minute criticisms of their actions, especially when you cannot by any possibility have a knowledge of all the facts of the case, or be aware of the reasons which influence them in their course of operations. My Lords, this is not merely an opinion of my own; it was the principle of that old Roman Republic—of that wise people, who understood mankind better than any other nation; who understood the minds of men; whose whole object was war; who desired nothing but conquest—and yet, although that nation to the greatest extent rewarded success, there was hardly, I believe, one occasion upon which they punished want of success—adopting the principle which I have taken the liberty of placing before your Lordships to-night—that it was expedient to leave the minds of their commanders perfectly free. You may depend upon it that the necessary consequences of failure are sufficient to deter them from doing that which they deem to be wrong, and that the rewards which accompany success will be sufficient encouragement for their exertions. Depend upon it, my Lords, no apprehensions whatever need be entertained of an English soldier or an English sailor not seeking the enemy on the first possible occasion. All we have to apprehend—and you increase that apprehension if you enter into minute criticism of their conduct—is, that they will be urged, not by their own convictions, but by the fear of your censure, to engage before they can do so with the certainty of success.

The Earl of MALMESBURY: My Lords, I agree in every word that has fallen from the noble Earl with respect to the inexpediency of making minute criticisms of any kind or sort, in this House, upon the conduct of officers serving in Her Majesty's fleets or armies. But my noble Friend opposite, and your Lordships, will bear me out in saying that I did not venture upon even a shadow of criticism in that direction. I have, however, my Lords, often had occasion to remark, that though the noble Earl who has just resumed his seat, is certainly one of the best speakers in your house, he is one of the very worst listeners. Perhaps, therefore, to that circumstance it may be ascribed that the noble Earl overlooked the statement with which I prefaced my remarks—namely, that my question had reference solely to a matter of fact, in reference to which I think I was perfectly justified in making the inquiries which I did—namely, as to whether the Russian fleet had landed troops on any part of the coast of the Black Sea. But, in doing so, I made no remarks whatever that could be termed a criticism upon the conduct of the respective admirals; and I rejoice, notwithstanding the remarks of the noble Earl, that I did venture on those inquiries, because it has given my noble Friend opposite an opportunity of proving that those gallant officers have done their duty as far as they could—that they have watched Sebastopol by every means in their power, and that apparently the events which we are told had taken place have not, in fact, occurred.

REFORM OF CAMBRIDGE UNIVERSITY—QUESTION.

Lord LYNDHURST wished to know whether it was the intention of Her Majesty's Government to introduce a Bill with respect to the University of Cambridge? If so, whether it would be introduced with the same objects as that introduced for the reform of the University of Oxford, and whether it would be brought forward in the present Session?

The Earl of ABERDEEN said, his noble and learned Friend was aware that the Bill for the reform of the University of Oxford was now before the other House of Parliament. It was desirable to ascertain whether the principle of that measure would be affirmed before any step should be taken with reference to the University of Cambridge. Undoubtedly it was the intention of the Government to deal with the University of Cambridge on the same principle as that with which they dealt with the University of Oxford; but it was not the intention of the Government to bring forward any measure having reference to the University of Cambridge this Session.

THE EARL OF DERBY said, that there could be no doubt that the course which Her Majesty's Government had determined to follow in this matter proceeded from a desire, before going further, to make an experiment *in corpore vili.* He hoped, however, that those who were connected with the University of Cambridge would recollect the declaration made by the noble Earl that it was the desire of Government, as far as they could carry out such a desire, to deal with Cambridge upon the same principle as they would act in reference to the sister University of Oxford.

THE EARL OF ABERDEEN: It is a good old maxim to deal with one thing at a time.

ARBITRATION LAW AMENDMENT BILL.

LORD BROUGHAM, in moving the Second Reading of the Bill, said, it had at various times been stated that the law of England did not encourage arbitration; but he could hardly admit that this was a just charge against the law itself—he thought it would be truer to say that the English courts had frequently gone out of their way to discourage arbitration. But, letting the blame be divided between the law and the practice of the law, one thing was certain, that till a very late period the law and practice touching arbitration was of a most unsatisfactory nature. It was one of the great benefits which we derived from the reign of William III., that an Act was passed for the purpose of encouraging arbitration, by which it was provided that parties might agree to have the submission of their suits to arbitration made a rule of any of the King's Courts of Record, and that after such rule, the parties disobeying the award should be liable to be punished as for a contempt of court. But a principle was established both in the courts of equity and in the courts of law, by which it was found almost impossible to consider the most solemn reference that could be made to arbitration of any legal effect whatever, because the award not being made, the reference not being completed, either party, at the last stage, might revoke his consent, and put an end to the whole proceeding. The consequence of this was, that as soon as either party discovered, or thought he discovered, that the arbitrator was likely to be against him, he revoked his commission and the arbitration was at an end. About twenty years ago, however, by the 3 & 4 *Will. IV.*, this most absurd state of the law was altered, and the authority of the arbitrator cannot now be revoked by either of the parties unless under particular circumstances and with the leave of the court. But great defects still existed in the law; for were the instrument appointing the arbitration ever so deliberately signed, yet it was of no more value than waste paper, because no means existed under the present law of compelling the reluctant party to go on with the reference. Take the case of partnerships. It was one of the great complaints of our commercial men that, however deliberately the usual article in partnership deeds might be agreed on, that in case of dispute the matters in difference should be referred to arbitration—though even the parties might have covenanted to refer to a particular person's arbitration—no action could be maintained upon the breach of that condition, no bill in equity could be effectual to compel the specific performance of it. It was absolutely at the option of either party to prevent, at any moment, the proceeding going on with effect, and as the question could only arise after the parties had differed, it was not very likely they would come to an agreement and go on. The main object of this Bill was to make a reference to arbitration effectual by making it possible for one willing party to compel the other to go on; so that unless both parties chose that the reference should be put a stop to, the arbitrator would proceed to make his award. He had added three clauses to the Bill, which did not appear when he presented it. Great complaints had been made by the Judges that matters which ought to be referred to arbitration frequently came on for trial in courts of justice, which were very ill adapted to deal with them—particularly in matters of account. The consequence was, that after all the expense of bringing the cause for trial, of retaining counsel, engaging attorneys, and having witnesses and documents ready, the case was no sooner opened than the learned Judge, and the counsel on both sides, agreed "this was really not a case to be tried before a jury, and it should go to a reference." The case then usually ended in a reference, and it ended in a reference after all the expenses of a trial had been incurred, expenses which were to be renewed, and perhaps increased, before the arbitrator. The Bill dealt with this, and gave permission, under certain modifications, to the Court which would try the cause to direct a reference. Following the recommendation of the Common Law Commissioners, it proposed that the reference should be made to the Judge of the County Court; but he was inclined to add that it should be referred to the Judge of the County Court unless the parties preferred another arbitrator. He had further provided for allowing one party to summon another before a Judge at chambers when hardly any expense had been incurred, and letting the Judge decide whether the case was one for reference; and if the other party—notwithstanding the Judge's deciding that it was—chose to go to trial, of letting him do so, but at the risk of costs. Those who attempted to reform the law were exposed to two objections. One was, "Why do you bring so many measures of law amendment before Parliament?" The other, "Why do you not bring in more measures, and more comprehensive ones?" He could only say, for himself, if he were charged with presenting too many of such law amendment Bills for the consideration of their Lordships—that if their Lordships knew how great were the numbers that he declined to introduce—if they were aware how frequently he received applications not merely from respected individuals, professors of the law and practitioners of the law, but from bodies of his fellow-subjects engaged in agriculture, in manufactures, or commerce, urging him to propound this remedy or that remedy for what he was inclined to consider great grievances under which they laboured, and of removing what he admitted to be great defects of the law—if their Lordships were aware how many more of these Bills he had refused to present than those which he actually had brought forward—they would, he thought, not at all agree with the first class of objectors, who asked, "Why do you present so many measures of law reform?" Then, with respect to the second class of objectors, who asked, "Why do you not go further, and bring in more comprehensive measures?"—Those who were the friends of the amendment of the law—called in common parlance "Law Reformers" — were only suffering the same persecution, so to call it, which Parliamentary reformers on occasions now long past used to undergo, from those friends of Parliamentary reform who had more zeal than knowledge; and this their Lordships would understand, when he reminded them that some of the most distinguished Reformers used to speak of those who were moderate Reformers as mock Reformers, using the term "moderate Reformers," and "mock Reformers" as though they were exactly synonymous. He believed that he did wisely in adhering to the doctrine of a moderate reform of the law, and not going too far, or too fast, considering the important interests which legislation upon such subjects must affect. Again, upon the charge that he presented too many Bills for law reform to their Lordships, he might observe, that the majority in number, and the great majority in value, of the Bills which he had presented to their Lordships for the amendment of the law, had passed, and were now the law of the land. Referring to the year 1845, in which he was most charged with introducing a multiplicity of projects of law amendment—to that year in which he had laid nine Bills upon the table of their Lordships' House—he would ask how many of those Bills had passed? He knew that five out of those nine Bills had passed, and were now the law of the land. Although he was told in that year, nine years ago, that he was presenting a set of crude projects which he had not the slightest chance of carrying, he was able to refer to the fact that the Bill respecting the Conveyance of Real Estate, the Bill respecting Satisfied Terms, the Bill respecting Leases, had all passed, had all become law, had all become Acts of Parliament in that very year; and to show that the benefits resulting from these amendments of the law were not speculative, but strictly practical, he would remind their Lordships of what he had stated on a former evening when few of their Lordships were present to hear the statement, that at a meeting of the Society for the Amendment of the Law it had been stated by the solicitor of a noble Duke, in his client's presence, that the operation of one of these Bills alone had saved his Grace nearer 5,000*l.* than 4,000*l.* in one year. He thought, therefore, that so far from these reforms being justly characterised as wild, speculative, and chimerical, anything more practical had never been propounded. He might appeal, also, to his Friend the noble Marquess opposite, who had postponed certain arrangements concerning his estates until the proposed amendment of the law had received the sanction of Parliament, to bear him out in the statement that he had been benefited—he would not say to what amount, but to a very considerable amount—by his (Lord Brougham's) Bill of 1833 abolishing fines and recoveries. But, as to his Bills of 1845, the one might be justly cited—in favour of which his noble and learned Friend opposite (Lord Campbell) had borne ample testimony—the Bill to enable parties to be examined as witnesses. That Bill was originally propounded in the year 1845, when their Lordships gave it a second reading. It was dropped then in consequence of the advanced period of the Session; but it had been since passed, and was now in full and beneficial operation, as was also another, improving the Law of Evidence. So true were the words of Lord Bacon—and they ought to be a great comfort to the friends of law reform—that "No good suggestion for the amendment of the law ever was made which did not, in time, although it might not immediately, bear good fruit." They ought to take great comfort from such words; and he hoped and trusted that the passing of this Bill for the amendment of the law of arbitration, and of one or two other Bills which were now before their Lordships' House, would give additional encouragement to the friends of temperate and well-considered amendments of the law. The noble and learned Lord concluded by moving the second reading of the Bill.

Lord CAMPBELL thought his noble and learned Friend had given himself very unnecessary trouble in vindicating himself from charges that had never been made by any person whose opinion was of the slightest consequence. All whose opinions were entitled to any weight were well aware that the cause of law reform was under the deepest obligation to his noble and learned Friend. His noble and learned Friend appeared to think that their memories were much shorter than they really were, for he could assure him they did not forget, nor would posterity be likely to forget, the great services which he had rendered. With respect to this Bill, he should be delighted to see the law upon the subject of arbitration further amended; but he thought his noble and learned Friend was hardly justified in saying that the courts of law had shown the slightest hostility to arbitrations; for there was a very good law passed in the reign of William III., which had been acted on very beneficially. In reference to what his noble and learned Friend had said upon the subject of arbitration clauses in articles of partnership, he thought he had hardly done the Judges the honour to read the recent decisions in Westminster Hall. He fully agreed that it was much better to refer as soon as an action was commenced, than after all the expense of preparing for a trial had been incurred; and with this object he fully concurred in the Motion for the second reading of the Bill, which he hoped his noble Friend would consent to refer to the Select Committee on the Common Law Procedure Bill, since some of its clauses were similar to clauses contained in that Bill.

Lord BROUGHAM said, he had himself intended to propose that course.

Bill read 2ª, and *referred* to the Select Committee on the Second Common Law Procedure (1854) Bill, &c., and the Bills of Exchange Bill.

SCOTTISH RIGHTS.

The Earl of EGLINGTON rose to *present* a petition from the National Association for the Vindication of Scottish Rights, setting forth certain causes of complaint, and praying for the adoption of just and reasonable remedies for the same; and to move a humble Address to Her Majesty relating thereto. The noble Earl said, that as the question was one of great national importance, he trusted their Lordships would bear with him while he read a small portion of the petition for the consideration of the House. The petitioners stated that the Treaty of Union between the kingdoms of England and Scotland had been entered into in a spirit of equality between both countries, and that it was not intended at any subsequent period to deprive Scotland of any portion of her share of the advantages which she might have derived from the Act of Union; instead, however, of the rights of Scotland having been preserved in their integrity, many of her institutions had been amalgamated, and many got rid of entirely. Even with regard to the number of representatives returned to Parliament, Scotland was not represented in proportion to England; while, at the same time, the revenue raised in Scotland was much greater than the amount spent there. The petitioners called attention to the desirability of forming harbours of refuge along the coast of Scotland, and complained of the neglected state of the seaboard in that particular. They regretted that the palace of Holyrood should have been allowed to fall into its present dilapidated condition, at a time when large sums of money had been and were being expended in repairing and maintaining the Royal Palaces in England. They also complained that the University arrangements were in an unsatisfactory state. The petition concluded by urging upon the serious consideration of the Legislature the propriety of appointing a Secretary of State to preside over the administration of affairs in Scotland. The noble Earl stated that several thousand persons had attended meetings which had taken place in Scotland upon this subject; and, had it been thought desirable, the petition might have assumed the bulk of a "monster" petition. It had, however, been considered, and he thought justly, that it would be more respectful to their Lordships to present it in its present shape, signed only by one of the Vice Presidents of the Association, and he trusted that that circumstance would not render it less effective than it might otherwise have been. He had no doubt that those of their Lordships who had only seen such reports of the movement which had taken place in Scotland as had appeared in the English newspapers would expect that he was about to preach a crusade against the Union, and to advocate the dismemberment of the empire, or perhaps, if they took a more lenient view, that he was about to favour them with a dissertation on heraldry, and the necessity of every Scotchman wearing a kilt. Now with respect to the first accusation, he was perfectly satisfied that to none of those who were acquainted with the feelings of loyalty expressed by himself personally, and by others, in the speeches and in the proceedings which had taken place in Scotland would it be necessary to say a word; but as some people did not know him, and as many had not taken the trouble to read reports of the speeches and proceedings in Scotland, he begged to state most distinctly and unequivocally his opinion of the necessity and propriety of the Act of Union, and his strong conviction of the inestimable blessings conferred upon both countries by the Union—he knew not, indeed, in what terms sufficiently strong he could express his opinion of any man who could advocate a repeal of that Act. With regard to the second point—the heraldic grievances, taken up by certain opponents to the utter exclusion of all the real and important matters brought forward—he could only say that that subject was originated before the National Association was established; that it did not form one of the points enlarged upon in the petition he had presented, and that it had always been considered and alluded to by the Association as a matter of secondary importance. Divested of all the ridiculous notoriety conferred upon it, the point itself amounted simply to this—that the arms on the Royal flag, when displayed in Scotland, should be assimilated to the arms upon the privy seal of Scotland, upon the seal used by the Lord Advocate of Scotland, and, he believed, upon nearly all the other armorial bearings in Scotland. It was merely asked that the Royal arms of Scotland, when displayed in that country, should have precedence over the arms of England, and that when displayed in England, the Royal arms of England should have the precedence as at present. He believed that the question had been settled by Queen Anne in the terms of the Union; but, in reality, it was merely treated by those who now came forward for the vindication of Scottish rights as a matter of secondary and immaterial importance. So much, then, for the lion and the unicorn. There was another subject which had been a good deal spoken of—namely, the question of dress; but he could assure their Lordships that that matter had never been brought forward by the Association in any way whatever, nor was it referred to in the petition he was about to present; but it had been brought forward entirely by some anonymous writer in the *Times*. He must confess, for his own part, that he had not paid sufficient attention to the subject of dress to enable him to give any opinion upon it, but, perhaps, the noble Duke opposite (the Duke of Argyll), whom he trusted even Parliamentary usage would allow him to call MacCallum More, would be enabled to say something upon the matter. He might, however, state to those of their Lordships who were not much acquainted with Scotland that it was as rare to see a kilt in many of the great towns of that country as it was to see one in the streets of London. But, divesting the subject of all the extraneous matter with which it had been mixed up by parties who had never argued the real merits of the question, it would be as well to turn to the particular grievances of which the petitioners complained. He had already stated, and he trusted with sufficient clearness, that it was unnecessary in these times for any man of common sense to say anything in commendation of the Union; but the more he approved of the Union the more anxious he was to cement good feeling between the people of the two countries, and the more necessary he thought it that the terms of the Union should be adhered to and carried out in their integrity. The Act of Union was a treaty of extreme importance, for it not only regulated the whole manner in which two countries, thitherto perpetually at variance, were for the future to live in amity, but it was the only document in which the rights of the House of Hanover to the Crown of Scotland were nationally acknowledged, and such an Act ought not lightly to be tampered with; and yet not only had the spirit but the letter of that treaty been in many instances violated. Article 16 of the Act of Union stated that "a Mint shall be continued in Scotland, under the same rules as the Mint in England." He need hardly say that a Mint was not now in existence in Scotland. Article 19 stated that "the Court of Admiralty now established in Scotland be continued," and then went on to say—

> "So as there be always contained in Scotland a Court of Admiralty, such as in England, for determination of all maritime cases relating to private rights in Scotland competent to the jurisdiction of the Admiralty Court."

The same Article stated:—

> "There shall be a Court of Exchequer in Scotland after the Union, for deciding questions concerning the revenues of Customs and Excises there, having the same power and authority in such cases as the Court of Exchequer has in England."

Further on the same Article said:—

> "After the Union the Queen's Majesty and Her Royal successors may continue a Privy Council in Scotland for preserving of public peace and order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end."

He would now advert to another, and, he could not help thinking, a most daring violation of the Act of Union, though at the same time he felt called upon to say that very probably be might not be advocating the opinion and wishes of many of the petitioners in the statement he was about to make. In the particular provision of the Act which had for its object the security of the Presbyterian Church, it was expressly stated that every principal, professor, and master,

> "Before and at their admission, do, and shall acknowledge and profess, and shall subscribe to the aforesaid confession of faith, as the confession of their faith, and they will practise and conform themselves to the worship presently in use in this Church."

Most assuredly the University Act of last year was a clear and distinct violation of that Article of the Union. These were undeniable infringements of the Act of Union. Now, it appeared to him that not only was it the duty of Government to preserve the Act of Union in its integrity, but that it was their duty to afford to the weaker country the advantages enjoyed by the stronger. Scotland had borne without a murmur the loss of the permanent residence of her Sovereign within her bounds, the deprivation of her own Legislature, and the consequent loss and injury sustained, and the very least that could be accorded to her was her fair demand that she should be treated with perfect equality in all matters unconnected with Imperial legislation. He could prove, only he was not desirous of wearying their Lordships by going into details, that Scotland had, as the petitioners stated, been treated with great inequality and unfairness in many matters connected with her material interests, as well as with regard to art, science, and education. During the last twenty years, while a sum of 1,500,000*l.* had been expended upon Royal parks and palaces in England, the whole sum expended during the same period for similar purposes in Scotland amounted to 16,000*l.* only. While upwards of 1,500,000*l.* had been expended upon the British Museum in England alone, and the expenditure was annually going on, the whole sum expended in Scotland for purposes of a similar nature did not exceed 15,000*l.* While considerably more than 2,000,000*l.* had been expended on harbours of refuge in England, not one single sixpence had found its way into Scotland for the same purpose. And then, again, out of nearly 2,000,000*l.* which had been expended in an Ordnance survey in England and Ireland, in Scotland only 65,000*l.* had been voted in connection with that matter, and even to this moment it was not decided on what scale the Ordnance map of Scotland was to be drawn. The petitioners themselves called attention to the fact that the Scotch diploma did not allow a Scotch medical man to exercise his profession in England, notwithstanding that the diploma of an Englishman allowed him to practise in Scotland. The other night his noble and learned Friend (Lord Brougham) adverted to the fact that probates of wills taken out in England had power over property in Scotland. [Lord Brougham: In the case of shares in railways and in joint-stock banks.] Yes; with regard to railways and joint-stock banks, probate taken out in England had power over property in Scotland, but probate taken out in Scotland had not the same power in England or Ireland. On the contrary, a man dying possessed of such property having taken out probate in Scotland might be obliged to take out two other probates in Canterbury and York in England, and in Armagh and Dublin in Ireland. He did not intend to go into any documentary details to prove that Scotland was unfairly treated, though he could do so if he were not afraid that he would be occupying too much of the attention of their Lordships. He would, therefore, proceed at once to the three points upon which he wished to obtain their Lordships' consent in moving a humble Address to Her Majesty. In the first place, he had to complain, not upon the part of the petitioners only, but he firmly believed upon the part of almost the whole people of Scotland, that the administration of the affairs of Scotland was placed in the hands of a subordinate officer of the Crown, who had his own large professional business to occupy his time. Some noble Lords, who were not acquainted with the management of affairs in Scotland, might perhaps imagine that the Secretary of State for the Home Department in England was also Minister for Scotland in a similar capacity. Certainly he had jurisdiction in Scotland to this extent—he had the issuing of circulars respecting the yeomanry, and transacted official correspondence with the lords lieutenant of counties; but that was all. The whole business of Scotland, not only legal, but connected with its commerce and manufactures, was placed in the hands of the Lord Advocate. And their Lordships must allow him to tell them who the Lord Advocate was. The gentleman generally selected as Lord Advocate was the lawyer who had the greatest amount of professional practice in Scotland, whose political opinions coincided with those of the Government of the day. He need not tell the noble and learned Lord opposite (Lord Campbell), what claims a large amount of professional duties must have upon the time of any man. As Attorney General for Scotland, the Lord Advocate had to examine and investigate the legal bearings of every question affecting Scotland, and Government was responsible for his opinion; but, in addition to the duties thus cast upon him, which were enough for the capacity even of the distinguished man who held the office, and which in England and Ireland were committed to the two separate officers, the whole business of Scotland was placed upon his shoulders. If a Reform Bill were considered necessary—and modern statesmen seemed to think it was, whether the country required it or not—the Lord Advocate was the man to undertake the preparation of it. If education was supposed to be deteriorating in Scotland, the Lord Advocate had the getting up of a measure on the subject; and valuation Bills, together with everything connected with the inland revenue, Crown lands, and woods and forests, claimed the attention of the Lord Advocate. In addition to these duties he had the interests of his constituents to attend to, together with a large amount of professional business, which he could not give up, because the salary he received as Lord Advocate was not sufficient to allow of his doing so. The present Lord Advocate was reported to have said last autumn in a speech to his constituents that "if he had known the trouble that the Sheriff Courts Bill of last Session would have cost him, he would not have attempted to bring it forward." That was as much as to say that whether an important national measure was brought forward or not, must depend upon whether the professional duties of the Lord Advocate afforded him sufficient spare time for its preparation and introduction. A most distinguished man, Mr. Hope, who occupied the position of Lord Advocate fifty years ago, who afterwards filled the highest judicial seat in Scotland, and who was father of the present Lord Justice Clerk of Scotland, in a speech to the House of Commons said:—

> "They, Sir, who judge of the office of Lord Advocate for Scotland by a comparison with the dry, formal office of Attorney General in this country, have, indeed, formed a most erroneous opinion on the subject. The hon. Gentleman has professed his inability to explain to the House the various and complicated duties of this office. I wish that I could within any reasonable compass define its duties, and then I can assure the House, that though extensive almost beyond conception, they would afford me ease and retirement, compared with the endless succession of duties which now successively pass under my review. It will

be necessary for me to say a few words here respecting the executive Government in Scotland previous to the Union. At that period the Lord High Chancellor, the Lord Justice General, the Lord Justice Clerk, the Lord Privy Seal, and the Lord Advocate, were the constituent members of administration. From a variety of causes these had successively disappeared. The Lord High Chancellor was no longer in existence. The Lord Privy Seal existed merely for the purpose of appending the seal of Scotland. The Lord Chief Justice General is the mere nominal head of a Court at which he never presides. By a special Act of Parliament the Lord Justice Clerk can have no seat in the House, and is wholly confined to his own Court. Under these circumstances, Sir, the whole of the duties connected with these various departments have now entirely devolved on the Lord Advocate of Scotland. To him all inferior officers look for advice and decision; and with the greatest propriety it may be said that he possesses the whole of the executive Government of Scotland under his particular care."—[1 *Hansard*, ii. 801.]

He had now given their Lordships the opinion of one of the most distinguished and energetic men who ever occupied the position of Lord Advocate, in addition to the opinion of the present Lord Advocate, who was one of the most eloquent men who had ever conducted the business of Scotland in Parliament. There is not a trumpery court in Europe where we have not an envoy with a diplomatic staff, costing far more than the pay of a Secretary of State, there was not a material interest in the country that was not represented by a Cabinet Minister. The law, the Army, the Navy, trade, education, the Privy Seal, the Post Office, and the Duchy of Lancaster, were all represented either by a Cabinet Minister or by a Minister whose attention was solely directed to his particular department. During the last few days an instance had occurred which showed the entire inefficiency of the administration of Scotch affairs. A Bill had been introduced into the other House by the Lord Advocate on the subject of education in Scotland—a very bad Bill, as he (the Earl of Eglinton) thought, but one involving a most important change in the present system, the second reading of which was fixed for the 30th of last month. Within three days of that time the Lord Advocate was in Edinburg, attending to his professional business there. As was to be expected, a great many deputations came up to London from various parts to make representations to him on the subject of the Bill; but no Lord Advocate was to be found. At last the learned Lord arrived in town, and probably for his own convenience, the Bill was then postponed for a few days, but the learned Lord would not tell the Scotch Members whether he intended to postpone the second reading until after the 30th of April meetings. The Bill actually came on for a second reading, at half-past twelve at night, when the Lord Advocate announced his intention of postponing it till May. Upon that a debate arose, but like all other discussions that took place at so late an hour on Scotch affairs, not a word of the discussion was given in the newspapers. Now, that was not the way in which the business of a nation like Scotland should be conducted. He would not venture to say how the evil could best be remedied. His own opinion was, that a Secretary of State should be appointed; but it might be possible to combine the political duties of the Lord Advocate with those of some other office, the labour of which was not great. He now came to the second and more important point to which he wished to direct attention—he meant the paucity of the number of representatives allotted to Scotland in comparison with the other parts of the United Kingdom. He was aware that, by the Act of Union, only forty-five Members were given to Scotland, though the Commissioners tried hard to get more—that since then the number had been increased to fifty-three; and that by a Bill which he was told was in preparation, but which, if it was anything like its sister Bill for England, he sincerely hoped, and rather believed, would never reach their Lordships' House, three more Members were to be allotted to Scotland. But he contended that even the number of fifty-six would be totally inadequate to the population of Scotland, to the revenue derived from that country, to the position she held in the United Kingdom, to the energy and talents of her people, and to the activity of her trade and commerce. At the time of the Treaty of Union, when the number was fixed at forty-five, the population of Scotland did not amount to above 1,000,000, and her revenue, even after the addition that was made to it at the Union, did not exceed 150,000*l.* a year. Her population now amounted to 3,000,000, and her revenue to between 6,000,000*l.* and 7,000,000*l.* There were counties in Scotland containing a population of between 500,000 and 600,000, which only returned two Members, while in England such counties as Wiltshire and Hampshire, with a less population, had thirteen or fourteen Members each. He conceived that the question of the representation of Scotland could be decided upon two principles only—population or taxation. Now, upon either principle singly, or upon both jointly, Scotland had a right to a considerable increase in the number of her representatives. The population of England and Wales might be taken at 18,000,000, the population of Ireland at 6,000,000, and the population of Scotland at 3,000,000. The number of representatives in the House of Commons was 658—for the sake of calculation, say 660. According to the principle of population, England should have 432, Ireland 156, and Scotland 72. Again, taking taxation as the basis of representation, it would be found that the whole revenue of the country might be taken at 52,000,000*l.* Out of that sum England contributed 42,000,000*l.*, Scotland 6,000,000*l.*, and Ireland 4,000,000*l.* Upon the principle of taxation, then, England should have 530 representatives, Scotland 76, and Ireland 51. Upon the two principles together, Ireland would remain with the same number of representatives, within one, which she had at present, and Scotland would have 75. He had dwelt upon those two points, because he thought they were of the most extreme importance to the interests of Scotland, and because he was convinced that many of the grievances of which the people complained were owing, not to any feeling of ill-will on the part of the people towards England, but to the fact of there being no great officer of State to look after their affairs, and not a sufficient number of representatives to enforce their claims. He now came to the third and last point which he desired to bring under their notice. It was one which probably some of their Lordships might think unimportant; but though it did not directly affect the material interests of the people of Scotland, it grated harshly upon their national feelings. He referred to the disgraceful state in which the Palace of Holyrood and its precincts were allowed to remain. The people of Scotland did not complain that Windsor Castle and Buckingham Palace should be made fit residences for the Queen; on the contrary, they rejoiced that part of the revenue to which they contributed should be employed in keeping up the Royal residences; but they said they had a right to demand that a portion of the national funds should be employed for the same purpose in Scotland. They thought they had a right to complain that not one palace was kept in a fit state for the Sovereign to reside in in all Scotland. It might be argued that it would be a useless waste of money to maintain a great number of parks and palaces which Her Majesty could not use; but in England that principle was not carried out, for he could point to Hampton, Bushy, and Richmond, all magnificent appanages of royalty, but which the Queen never used, and hardly ever visited. The people of Scotland did not ask that the palaces of Linlithgow and Falkland should be restored to their original state, but only that there should be one palace kept up in Scotland befitting the descendants of the ancient Scottish monarchs, and in which Her Majesty, if she thought proper, could hold her court. He believed that, a few years ago, some of the apartments of Holyrood were placed in a state of repair, so as to enable the Queen to stay there for a night; but the palace itself was in such a dilapidated condition that at the election of a Scotch representative Peer last summer the public could not be admitted, because of the insecurity of the floor. It was utterly impossible, indeed, that the palace could be used for any courtly or public purpose. The chapel was a ruin, without a roof, and the park was a waste and a quagmire; the palace garden was let to a market-gardener, and the immediate neighbourhood was a refuge for absconding debtors. Such was the present state of the ancient palace of Holyrood; and when, some years ago, the Queen held her court in Scotland—and well he remembered the feeling of loyalty and joy excited by that event—she was indebted to the hospitality of a noble Duke for being able to receive her Scottish subjects. He would not further occupy the attention of their Lordships. He trusted his observations had been neither unfair nor exaggerated. The people of Scotland did not come before their Lordships as suppliants or as foes. They asked for no undue favour, nor for any charity. They were animated by no feelings of ill-will towards their English brethren, with whom they hoped to be indissolubly united; but they demanded that the Union, which conferred immense benefits upon both countries, should be adhered to, and that the equality for which the Union provided, and without which that Union would never have been entered into, should be maintained. They demanded that their national feelings should be respected, that the affairs of Scotland should receive that attention which was their due, and that her voice should have that authority in the Legislature to which she was entitled by her position in the united empire. He moved—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to take into Consideration the Propriety of appointing an additional Secretary of State, who may be entrusted with the principal Management of the Affairs of Scotland. That Her Majesty may be graciously pleased to take into Consideration the Propriety of directing that, in any measure which may be submitted by Her Majesty's Ministers to Parliament for an alteration in the Representation of the People, an Additional Number of Members shall be allotted to Scotland, in proportion to the great Increase which has taken place in her Social, Commercial, and Industrial Prosperity. That Her Majesty may be graciously pleased to take into Consideration the present dilapidated Condition of the ancient Palace of Holyrood, and give such Directions regarding its Restoration as shall seem right to Her Majesty, in order to place it in a State befitting the Dignity of the Crown, and worthy of the Metropolis of Scotland."

THE EARL OF ABERDEEN: My Lords, hitherto the cry has been for "justice to Ireland;" but of the "grievances of Scotland" we have heard heretofore little or nothing. In the course of last year, however, a good deal has been said upon that subject. Your Lordships will have observed that the noble Earl has reduced the grievances of Scotland to three, which he has entered upon the minutes of the House. Now I think there are none of them entitled to the description which he has given of them as "national" grievances; and I must say I think it is scarcely wise on the part of the noble Earl, or of any Scotchman, to represent his country as labouring under any real grievance whatever. That there might be improvements in the Administration of Scotland, as well as in that of England, and in various parts of the government of the country, I will not deny; but that there is anything to justify the interference of Parliament in the manner referred to by the noble Earl, cannot, I think, be maintained for a single moment. Now, does the noble Earl really imagine that the people of Scotland are of opinion that they are so oppressed and injured as he would represent them to be? I rather think that in England, at all events, there is an opinion that the Scotch have a full share of the advantages which the constitution and the Government bestow upon the community. At the same time I must confess that a great change has taken place in this country with respect to the manner in which the Scotch are viewed. A great improvement has taken place; I think the English are now accustomed to look with feelings of much greater kindness, affection, and goodwill towards the Scotch people than was the case some years ago. I believe I may in my own person represent an instance of this; for my Scotch predecessor in the office which I have now the honour to hold, as far as I recollect, committed no other crime in the popular estimation than that of being a Scotchman. That was the head and front of his offending. Now, although from the organs of noble Lords opposite I meet with every species of abuse and outrage, the only thing I am never accused of is being a Scotchman. Again, we do not know now-a-days who is a Scotchman and who is an Englishman, so far as our rights and privileges are concerned. In short, my Lords, we are now become one people, and national distinctions are almost altogether lost. The noble Earl supposes that the three propositions which he desires to embody in an Address to Her Majesty would remedy the grievances of which he complains. Now, I deny that from any or all of them could we expect such a result. In the first place, he says, let Scotland have a Secretary of State. Well, now, what good could we expect from the appointment of a Secretary of State? The noble Earl ought to know that the office of Secretary of State for Scotland was abolished because it was a nuisance, and did only mischief. Sir Robert Walpole, in 1725, abolished the office of Secretary of State for Scotland, because it was found to be a nuisance—a centre of intrigue, of jobbery, and, in one sense, of disaffection to the Government, not of Jacobinism, but of low petty intrigues at variance with the national interests of Scotland. The government of Scotland was then for several years placed in the hands of an ancestor of a noble Friend near me (the Earl of Islay), the brother of the then Duke of Argyll, who governed the country in a manner which certainly, although sufficiently absolute, was, at least, in accordance with the policy of the Government of the country; and, therefore, very different from that of the Secretaries of State, whose office the noble Earl would restore. A nominal Secretary of State was created after the death of the Earl of Islay; but he was neither more nor less than a useless officer, without any functions to discharge; and at last the office was finally abolished in 1745, since which, until the present time, there has been no desire or attempt to restore it. I certainly agree that the Lord Advocate, whose functions the noble Earl has described, does exercise a somewhat anomalous jurisdiction; it is not true, however, that he is a subordinate officer of the Government. He has always been in Scotland one of the great officers of the State. If the noble Earl—who, by the by, has left out the only real grievance which he has—namely, the heraldic grievance, in order to dwell upon others which he thinks of more importance—looks to Sir George Mackenzie's *History of the Officers of State*, he will find that the Lord Advocate was always a great officer of State. It is true that he exercises now a very extensive jurisdiction, and has many important duties to perform. He is responsible for the peace of the country; he is public prosecutor upon all occasions; and he is not only the first law officer of the Crown in Scotland, but he is, what he has always been, a political officer of State. Now, the Scotch law being so different from the English law, it has always been necessary to have a person of eminent legal ability to conduct the Scotch Government business in Parliament, and the circumstance that the political director of the affairs of Scotland must necessarily be a Scotch lawyer, secures, at all events, this great advantage to Scotland over Ireland which the noble Earl should not overlook—that the Lord Advocate is invariably a Scotchman —an advantage which is not enjoyed by the people of Ireland, inasmuch as it is not necessary that the Chief Secretary for Ireland should be an Irishman. But the question is, what practical advantage would Scotland or Scotch affairs derive from the appointment of a great officer of State who would have nothing to do? For your Lordships must bear in mind that there is not business for an additional clerk at the Treasury absolutely belonging to such an office as that which the noble Earl contemplates, because the chief business is of such a nature that it must necessarily continue to pass through the hands of the Lord Advocate as chief law officer of the Crown in Scotland. In fact, the whole necessity is purely imaginary. Nobody ever thought of making this discovery in the course of the last century, since the formal abolition of the office of Secretary of State; and it is clearly an affair of appearance, and not of reality, the notion that the appointment of a Secretary of State would remedy any grievance of which the Scotch people may complain. A great deal has been said about the difficulty of obtaining time in the House of Commons for the discussion of Scotch Bills, and for that legislation which is necessary for the interests of the country. I am not disposed to lament that as a grievance, for I believe that more mischief has been caused by over-legislation than by having too little. But I do not think that, upon the whole, Scotch business is worse attended to than the business of any other part of the kingdom. The noble Earl has referred to the Education Bill. Now, the Lord Advocate was unable to proceed with the second reading of that Bill on Tuesday night because there were various other topics which occupied the attention of the House till past twelve o'clock, and because he, like every other person, must be content to take his turn. The Bill was postponed in consequence of circumstances over which neither he nor the Government had any control. It is well known that important measures belonging to England and Ireland have often to be postponed in the same way. But the noble Earl says that the Bill is a bad Bill. I differ from him upon that point. I think the measure is one of the greatest importance to the prosperity of Scotland, and I hope your Lordships will concur with me in that opinion. Then the noble Earl says there have been grave and serious deviations from the articles of the Treaty of Union. Well, I admit that the Union was a solemn compact which ought not lightly to be departed from; but I maintain, at the same time, that all the alterations which have been made, have been made in the interest of the people of Scotland. In order to have acted up to the Treaty of Union in all cases, we must have maintained the "heritable jurisdictions" which had been abolished for the manifest interest of the people. Would the noble Earl restore the heritable jurisdictions?

The Earl of EGLINTON: The heritable jurisdictions are not mentioned in the Treaty of Union.

The Earl of ABERDEEN: All the jurisdictions are included in the Treaty of Union, the heritable jurisdictions among the rest; and I ask the noble Earl would he think it for the advantage of the people to restore them? As for all those small matters of Admiralty Courts, and such like, to which the noble Earl has referred—these, and all the other alterations that have taken place, have been made solely for the benefit of the Scottish people, and upon no other principle, and therefore there is no pretence to accuse this country of violating the Treaty of Union in any sense which can subject it to reproach. One of the violations of the Treaty to which the noble Earl has referred, was the abolition last year of the University test which was imposed by one of the articles of the Treaty—although I do not understand the noble Earl to complain of that measure. [The EARL OF EGLINTON said he strongly disapproved of that measure himself, though there certainly were many persons in favour of it.] I think the House and the country will agree with me that by carrying through the measure in question we conferred a very great benefit upon the people of Scotland. The next point to which the noble Earl directed the attention of your Lordships, was the number of representatives for Scotland. Well, now, how would the noble Earl proceed to deal with that question? Would he augment the number of the House of Commons? Most people think that House sufficiently numerous already. Would he take the representatives which he thinks we ought to give to Scotland from the English constituencies? I apprehend a measure of that kind would not be very popular or very just. That on some future occasion the number of Scotch representatives should be increased at the expense of England appears to be not a very modest request; for I must say, upon the whole, that it seems to me that the relative position of England and Scotland at this moment is pretty much the same as it was at the time of the Union. But this question of the representation is not a grievance which exists; it is a prospective grievance, and therefore there is nothing to remedy at present. I now come to the third point mooted by the noble Earl—the state of the Palace of Holyrood. Now, I think myself that is scarcely a subject to bring before Parliament as a great national grievance. Holyrood is no longer inhabited by the Sovereign, although undoubtedly Her Majesty stays in it for a night or so in passing through Edinburgh to the north; it is not, however, a residence which can be considered at all necessary for the enjoyment or for the state of royalty. But it is not quite right to assert that it has not been put in a sufficient state of repair for the purposes for which it is required. Something has been done to put it in a less dilapidated condition than it used to be; and I must say its actual condition does not justify the description which has been given of it by the noble Earl. I admit that the chapel undoubtedly is a ruin, and for my part I should be very glad to see it restored; but I think my presbyterian and anti-popish countrymen would not much like to have the chapel of Holyrood restored for no other object than to serve as an ornament belonging to the Palace—as a beautiful specimen of Gothic architecture—totally unconnected with the uses of a parish church. It is not correct to say, however, that nothing of this kind has been done in Scotland. I, myself, recollect, many years ago, when it was intended by the Government of Lord Liverpool to appropriate the palace of Linlithgow, then a ruin, for the purpose of a French prison; upon that occaion I myself protested against the proposal, and earnestly entreated the Government not to persevere in destroying a very beautiful and magnificent specimen of architecture by employing it for such a purpose. Lord Liverpool yielded, and since that time a considerable sum of money has been spent in order to preserve the palace as a ruin, but a ruin which will not be allowed to fall into absolute annihilation. Utilitarians may think that the money expended in doing so has been thrown away. I am not of that opinion; I do not think the money should have been refused; it was not very extravagant, but at the same time I think it should have moderated some of the observations of the noble Earl. Other expenditure of the same sort has been made, not, perhaps, on a very great scale, but, at any rate, there has not been any neglect in matters of this description. The noble Earl has likewise urged a claim upon Parliament for harbours of refuge and works of that kind, which, after all, must be decided, not by local interests, but by considerations of general utility. The noble Earl does not suppose that harbours of refuge in England have been constructed for merely local objects? He knows that it has been from a belief, whether right or wrong, that they were necessary for the protection of shipping. I do not deny that there is a feeling in Scotland in favour of the erection of harbours of refuge. An earnest application to the Government has been made from a place in my own immediate neighbourhood, where a harbour of refuge is as much needed as anywhere on the Scotch coast; but questions of that kind must be considered quite irrespective of local interests, and solely with the view of promoting the general good. My Lords, I have now gone over but a small sample of the numerous list of grievances which I find mentioned in the petition that has just been presented to your Lordships; but as the noble Earl has failed in showing any grounds for the three propositions which he has submitted in the shape of Resolutions—as he has given us no reasons for appointing a Secretary of State, for increasing the number of Scotch representatives, or for ordering a large expenditure upon the Palace of Holyrood—I trust your Lordships will not agree to the Address which the noble Earl has moved.

The Duke of MONTROSE said, that the demands which his noble Friend had that evening urged upon their Lordships were approved and supported by a large number of the people of Scotland of all classes and of all politics, whose opinion was entitled to some respect, and who thought they had been too long deprived of their just rights. With respect to the appointment of a Secretary of State, he did not think the noble Earl who spoke last had stated the case fairly, for he said whether it was a Secretary of State or the Lord Advocate, it would make no difference with respect to questions affecting Scotland coming before Parliament. But one of the grievances complained of was, that when deputations from Scotland came to London in reference to Bills before Parliament affecting their interests, the Lord Advocate, to whom they naturally repaired for advice and assistance, was frequently found to be absent in Scotland in attendance upon his professional and official duties. The fact which had been stated by the noble Earl at the head of the Government with regard to the representation he had made to a former Administration showed that this was necessary, and he much doubted whether that representation would have been attended to if it had been made by a Lord Advocate. With regard to the question of patronage, he was sure that the people of England did not feel satisfied at so many appointments being made by the Lord Advocate. The noble Earl (the Earl of Aberdeen) also said that the alleged grievances had diminished into a very small compass. That might be the case to a certain degree; but it was the number of minor grievances which existed that had raised up a feeling among a large proportion of the people of Scotland that their feelings and affairs were not sufficiently attended to. Considering the revenue which was derived from Scotland and was paid into the English Exchequer, and that which was derived from England, Scotland did not have the benefit of anything like a fair proportion of expenditure. With regard to the grants for educational and scientific purposes and bodies, they were nothing at all in Scotland as compared with other parts of the kingdom. For example, the Commission which sat in 1836, to inquire into the condition of the Scottish Universities, reported that the professors there were most inadequately provided for; but, notwithstanding that Report, nothing to this day had been done to remove that cause of complaint. He repeated, that the people of Scotland felt that their various wishes and wants from time to time had not been sufficiently attended to by the Legislature, and that was the reason, in a great degree, why they now desired that some one of more importance in the Government than the Lord Advocate should be appointed to look after the affairs of Scotland, whether that officer was a Secretary of State, or went by any other name. Although that feeling might not have manifested itself until lately, he assured the House that it had long been growing up by degrees; and although the people, in their endeavours to give adequate expression to it, had been desirous to avoid the appearance of any improper agitation, they were still anxious that their grievances should be brought forward in a manner likely to secure the attention of Parliament.

The Duke of ARGYLL said, it would be unnecessary for him to trouble their Lordships at any length after the speech of his noble Friend at the head of the Government; but he could not allow this conversation to close without saying a few words upon some of the points to which his noble Friend opposite (the Earl of Eglinton) had adverted. He wished to do justice to the perfect good feeling and good temper with which his noble Friend had brought the subject under the notice of the House, and he had listened with great attention to the list of specific grievances and violations of the Treaty of Union of which he had complained. Undoubtedly, some of the ancient jurisdictions of Scotland—the hereditary jurisdictions—to which he had referred had no doubt been abolished; but all the abolitions which had been made, all the changes which had taken place, had been for the benefit of the

Scotch people, and had not been proposed in any spirit of jealousy on the part of the English Parliament, but, in most cases, had the approval of the majority of the representatives of Scotland. With regard to alterations in the currency, he thought his noble Friend would join with him in defending the Scotch 1*l.* notes. His noble Friend had touched upon rather a serious topic when he spoke of the abolition which had taken place last year of the religious tests imposed on the professors in Scotch Universities. He could not quite gather whether or not his noble Friend was one of the strenuous opponents of the measure; but at least he was not present in the House to resist that fatal violation of the Treaty of Union, and he thought that if his noble Friend had considered it as such a gross violation of the Articles of Union, he would have been ready to leave even his grouse-shooting in order to oppose such a proposition as far as in him lay. He thought their Lordships would agree with him in the opinion that, for oaths to be taken by men who did not even profess to belong to the Church with reference to which those tests were imposed, was an injury to the Scotch Universities and a scandal to public morality. Some of the observations which his noble Friend had made were calculated seriously to mislead the House and the country. He agreed with him in thinking that the Lord Advocate was to a certain extent overburdened with duties; but his noble Friend misled the House when he gave them to understand that all great questions of public policy that arose—and they arose but seldom—with regard to Scotland, were left solely to the Lord Advocate. He rejoiced to say that the measure relating to Scotch education, to which he might especially refer, had not been proposed by the Lord Advocate alone, but had received the careful consideration of Her Majesty's Government, and he could say for himself that he had spent many anxious hours over it. He did not say that it embodied exactly his own views upon the subject; but every one knew that the measure must proceed upon principles similar to those which had been acted upon with respect to England, and when it came up to their Lordships' House, as he trusted it would in the course of the present Session, he should be prepared to take his full share of the responsibility of having proposed it. There might be grievances to redress, but he thought his noble Friend had not taken a prudent course in connecting himself with an association for the purposes with which this subject had been agitated. The language of all associations was sure to be the language of exaggeration, and he was satisfied there was no grievance to require such an association as that with which the noble Earl was connected. It was perfectly certain that the formation of such a body would have a double effect—it would lead to an exaggeration of the grievances that might exist, while it would throw ridicule on those that really required to be remedied. He would call the attention of the noble Earl to the terms of the second paragraph of the Address which he proposed, and ask him whether he seriously meant the recommendations there contained to be adopted by the House? This resolution referred to the representation of Scotland, and was in these words:—

> "That Her Majesty may be graciously pleased to take into consideration the propriety of directing that in any measure which may be submitted by Her Majesty's Ministers to Parliament for an alteration in the representation of the people, an additional number of Members shall be allotted to Scotland, in proportion to the great increase which has taken place in her social, commercial, and industrial prosperity;"—

that was to say, in proportion to the increase that had taken place in her social, commercial, and industrial prosperity since the Treaty of Union. Now, at the time of the Union the population of Scotland was under 1,000,000, and its revenue was about 150,000*l.*; and did his noble Friend seriously mean to contend that there should be an addition to the Scotch Members in proportion to the increase that had taken place in the population? If so, then, according to that increase, the number of Members for Scotland would be something like 150. He believed his noble Friend acquiesced in the general opinion which was held, that they could not seriously increase the present number of representatives in the House of Commons. It would, therefore, be necessary to take Members from England, and hand them over to Scotland. He must confess that when he read the paragraph to which he had just referred, he thought his noble Friend must have become a convert to some great sweeping measure of Parliamentary reform; because he did not see how he could effect his object unless he was prepared to make some great changes in the representation. The only way to get more Members for Scotland was to disfranchise small places in England. He therefore presumed that his noble Friend would be in favour of the disfranchisement of such small places, and he should certainly be surprised to find him opposing any Bill for that purpose when it came before their Lordships' House. With regard to the last paragraph of his noble Friend's Motion, he really did not consider it worthy of the serious attention of their Lordships. He meant that which had reference to the present condition of the Palace of Holyrood. There might be some force in a representation that a larger amount of the public funds might be laid out in providing and improving parks and places of recreation in Scotland; but as regarded the palace and chapel of Holyrood, his noble Friend and the House would remember that the latter perished at the Reformation. That the House should address the Throne in reference to a Secretary of State for Scotland, and in reference to an increase of the representatives for that country, and then descend to the condition of the Palace of Holyrood, appeared to him to be absolutely preposterous. In conclusion, he put it to his noble Friend whether he would consider it necessary to press his Motion to a vote?

Lord PANMURE said, he could not allow this question to drop without saying a few words in regard to it, particularly after having seen the great efforts which had been made in Scotland to give this discussion importance in their Lordships' House. There was in Scotland a body which he believed had canvassed every individual of rank, property, or station in that part of the country on this subject, and he had, among others, been asked to become a member of the Association; but his answer was that he knew of no Scottish grievances whatever which demanded the interference of a public association to redress them, and that he had ample opportunity in his place in Parliament to advocate such measures as he thought necessary for the welfare of the people of Scotland. That Association had endeavoured to give its proceedings a prominent place in the public eye; but he rejoiced to think that his noble Friend (the Earl of Eglinton) had had the sound discretion to divest it on this occasion of all the ridiculous pretensions which originally attached to it. He was glad to hear him say that the heraldic part of the grievances was only of secondary moment, and, therefore, that their Lordships were not to be troubled by considerations of that kind. He was glad also to learn that his noble Friend near him (the Earl of Aberdeen) had met this Motion, not by a direct negative, but by moving "the previous question." There might be some matters in regard to which the Scottish people had a right to look for some improvement; but one of those matters had not been included by the Association in the scope of its operation—he meant the endowment of chairs in the Universities of Scotland. He thought that was a subject which the Government ought to take into their consideration; and he should be glad to hear his noble Friend (the Earl of Aberdeen) in that House, or the Chancellor of the Exchequer in the other House of Parliament, state that the Government had at its disposal funds for placing the professors of the Scottish Universities in a more sound and respectable position than they were at present. There was another subject which might have been included in the objects of such an Association, and that was an assimilation of the powers and practice of medical men in England and Scotland; but he thought this might be done without the interference of an Association which was said to contain thirty-nine town councils, with their provosts at their head. His noble Friend had alluded to the abolition of certain courts in Scotland, in violation of the Articles of Union, which, as the noble Earl read them, provided that they should be kept up for ever as they existed at the time of the Union; but he (Lord Panmure) was not one of those who so read those Articles, and although he looked at the Articles of Union as substantially a compact between the two countries, he did not look at that as a compact which was to prevail for all time, and without regard to change of circumstances. It was thought a fair act of retrenchment that five or six judgeships of the Court of Exchequer in Scotland should be abolished; but the duties of those judges were not transferred to England, for they were now discharged by three judges of the Court of Session in Scotland, who were considered amply sufficient for that purpose. With regard to there not being a sufficient expenditure for public parks and walks in Scotland, there did not exist in any part of England, or in any part of the world, so fine a public walk, or so fine a public drive, as was made a few years ago at the public expense round that famous hill which looks down upon the modern Athens. He did not think the Scottish people had much reason to complain, especially when they considered the benefits they had derived from their union with England. If they looked to the high position which Scotsmen had attained, they must see how little real ground there was for complaint. If he looked at the woolsack, he found that Scotsmen had sat there; if he looked at the Chair of the House of Commons, he saw that Scotsmen had sat there; if he looked at the Vice-regal throne of Ireland, he had before him in the noble Lord himself an instance of that high dignity having been held by a Scotsman; and if he looked to the East, he saw the Governor-Generalship of India in the hands of a Scotsman; and if he looked to the West, he saw that a Scotsman represented the country there. Upon the whole, therefore, the less the people of Scotland drew public attention to any complaints they had, of the position which Scotland and the Scotch occupied in public estimation, the better it would be for them. They had enjoyed a fair share of the loaves and fishes. The belief was that that was to be attributed to the industry and talent of the Scotch; and they had great reason to be proud of the intelligence, the education, and the talent which characterised his fellow-countrymen. With reference to the charges brought against the Lord Advocate, he thought the Lord Advocate was, in fact, the Minister for Scotland. He believed if they were to make a dozen Secretaries of State for Scotland, to the Lord Advocate they must come at last. In all questions of law he was the individual from whom they must always take counsel. And so, also, with regard to legal appointments; but he did not think it was necessary to consult the Lord Advocate on points which were not strictly legal. During the six years that he was Under Secretary of State for the Home Department, a great deal of the patronage for Scotland was exercised, not by consulting the Lord Advocate, but those who were interested in getting the appointments filled by the best men, and who could give the best information. He must say, that, though he could not agree to the proposals of the noble Earl, this debate would not prove altogether useless, as it would be the means of calling the attention of the Government to matters that really required their interference.

Lord CAMPBELL would have been ready, if he had thought there were any serious grievances which his countrymen had to complain of, to rally round the standard of the noble Earl. He knew, for himself, that he had no reason to complain of the English. He had no grievance to lay before their Lordships, but if he thought his country was aggrieved he should certainly stand by his country. He must say, however, that, though his countrymen were generally supposed to be very sober-minded, they were under great delusion with regard to their national grievances; and it certainly surprised him to discover that they had found as their leader the noble Earl opposite. He most sincerely respected that noble Earl, both on account of his constant demeanour in that House and his high character; and his respect for him had been increased by the admirable manner in which he filled the office of Lord Lieutenant of Ireland, a country in which there were plausible grievances, such as a Protestant Established Church, and other matters to which he would not advert. The noble Earl gave general contentment in the discharge of his duties, and he left behind him a tranquil country. But he came from a country where there were no grievances, or very few, and, though he would not say he had hoisted the standard of repeal, he had yet joined in a very formidable agitation with a large number of his countrymen, who were under the delusion that they were, somehow or other, grievously injured. The noble Earl had stated his case most moderately; but it seemed to him that in consenting to lead this agitation he had conducted his countrymen into circumstances that did not sustain their character for moderation and good sense. No doubt there were matters calling for improvement; but that these were grievances that required a national agitation he utterly denied. He would be bold to say that there was not one single instance in which the Articles of Union had been interfered with, in which it had not been for the manifest advantage of the people of Scotland, and with the almost universal consent of the people of that country; and with regard to the changes which had been made in the University tests, they were approved of by nearly the whole people of Scotland, who considered them extremely beneficial. As regarded the Lord Advocate, it certainly appeared that his functions were too multiplied and anomalous; but that the appointment of a Secretary of State would be of any public advantage he utterly denied. He thought that if more influence were given on Scotch questions, either to the Under Secretary for the Home Department or the Scotch Lord of the Treasury, all complaints would melt away. Then, with regard to the representation, it certainly was absurd that Harwich should return two Members, and the county of

Perth only one; but such matters as these ought to be remedied in a Bill, which the noble Earl himself might bring in; or, if not disposed to take that course, he might effect his object by moving, when the Reform Bill came up from the Commons, that such places as Harwich be disfranchised, and the Members given to other parts of the country. With regard to the restoration of Holyrood, he thought the people of Scotland were amply satisfied with the gracious condescension of Her Majesty in sometimes occupying that palace, and spending a part of her time among them. It should be remembered that neither George I., George II., nor George III. had ever crossed the border, while Her Majesty passed a part of every year in Scotland; and they might look forward—he trusted at some far distant time—when the Sovereign on the Throne of this country would recollect the pleasant days he passed in Scotland in his youth. He might observe also that the first time the Prince of Wales was present, when an Address was presented from both Houses of Parliament to Her Majesty, he was dressed in the Highland garb.

THE EARL OF EGLINTON, in reply, said, in regard to the statement made by his noble Friend (Lord Panmure) as to the distinguished Scotchmen who had filled responsible public offices in this country and its dependencies from time to time, the name of the noble and learned Lord who had last spoken might have been added to the list, as also those of both the commanders of the English fleets at this moment in the Baltic and the Black Sea; but he could not see how that affected the question under consideration. He believed that no country had in so short a space of time attained to so great an increase of prosperity. But, because the country was prosperous, and the people knew how to take care of themselves, were well educated, energetic, and full of enterprise, that formed no reason for neglecting them. No good agriculturist, when he had a good soil to work upon, would think of neglecting it, or of refusing to bestow upon it the necessary amount of culture and manure. With respect to the arguments which had been used against the appointment of a Secretary of State for Scotland, because he would always have to apply to the Lord Advocate for legal advice, the same argument would apply with equal force to the office of Secretary of State for the Home Department, on the ground of his being obliged to consult the Attorney General on legal points. The noble Earl (the Earl of Aberdeen) had taken credit to the Government for not having permitted the Palace of Linlithgow to be converted into a prison; and stated that, so far from its being neglected, sums of money were annually expended upon its repair. Now the average amount which had been laid out upon the palace for many years had not exceeded 15*l.*; and during the last year the sum expended was 5*l.* 6*s.* 4*d.* With respect to any suggested measure of reform, he had expressly guarded himself from advocating in his proposed Address any specific measure, but simply confined himself to the expression of an opinion that, in the event of any measure of reform being introduced, some additional Members should be given to Scotland. At the present moment there were several vacancies in the representation of England, caused by the corruption which had been found to prevail at the last election, and he could see no valid reason why the seats, or a portion of those vacated, should not be given to Scotland, where, he was happy to say, not a single instance of corruption had ever been proved to exist. In the hope that at some future time he should receive the assistance of some noble Lords opposite in the endeavour to remedy some of the grievances complained of, he should not call upon their Lordships to divide on his Motion.

THE DUKE OF ARGYLL advised his noble Friend, if he desired to have additional Members for Scotland, not to put the case for Scotland as against that of England, as for every single claim that the former country could advance to have one of the disfranchised boroughs allotted to it, twenty more pressing and important claims could be brought forward on behalf of England.

Previous Question *negatived.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 6, 1854.

MINUTES.] NEW WRIT.—For Southampton, *v.* Sir Alexander James Edmund Cockburn, Recorder of Bristol.

PUBLIC BILLS.—1° Drainage of Lands; Boundary Survey (Ireland); Real Estate Charges; Railway and Canal Traffic Regulation.

3° Church Building Acts Continuance.

RELATIONS OF TURKEY AND GREECE—QUESTION.

MR. MONCKTON MILNES said, he

wished to put the following question to the noble Lord the Member for the City of London—Whether the Government are informed that diplomatic relations have ceased between the Ottoman Porte and the Government of Greece, in consequence of the refusal of the Government of Greece to accede to demands which they considered derogatory to an independent State?

Lord JOHN RUSSELL said, that he had stated on a former occasion that there was no proof that the Greek Government were endeavouring to excite insurrection among the Christian subjects of the Sultan. Since that time the Turkish Government had directed their Minister at Athens to make demands to the effect which his hon. Friend had stated; the Greek Government had not given a satisfactory answer to those demands; and the Turkish Minister at Athens had demanded his passport and broken off diplomatic relations with Greece. Without vouching for the particular demands which were made by the representative of Turkey at Athens, and which, he believed, were not made with any sanction from the Ministers of England and France, he must say that he thought Turkey had good reasons to complain of the conduct of Greece. The diplomatic papers which had been received furnished ample proof that the insurrection in the Turkish provinces bordering on Greece was not a spontaneous outburst—that the part taken in it by Greek subjects was not taken by them spontaneously; that there was not in Greece any very strong sympathy upon the subject; but that the whole of the insurrection had been a contrivance of the Court of Greece—that it had been got up for the purpose of weakening the authority of the Sultan, then in alliance with the King of Greece; and that there was numerous proofs that the King and Queen of Greece had undisguisedly given the greatest encouragement to this insurrection in the Turkish provinces. Such being the case, he could not wonder, without vouching for the propriety of any of those demands, that the Turkish Minister should have acted as he had done. However, Her Majesty's Government had been in communication both with the French Government and the Government of Austria upon this subject; they had given such directions as they thought proper on the occasion to Her Majesty's Minister at Athens; and he (Lord J. Russell) could only say again that he thought the Court of Greece was answerable for the outbreaks

that had unfortunately occurred in this part of the Sultan's dominions.

Mr. BRIGHT said, the noble Lord had unstated what he had stated on a former occasion with regard to the Greek Government, and had brought serious charges against them. He only wished to say he doubted whether that was quite proper. [*Cries of* "Order, order!"] He did not want to be obliged to move the adjournment of the House, by doing which he could soon put himself in order; but he objected to a speech being made at a time when it could not be answered, in which very unsound opinions, as he believed, were being propagated among the people of this country. But he wished to take this opportunity of putting a question to the noble Lord (Lord J. Russell), but on a different subject, as to what the Government of Constantinople was doing touching the Christian population of Turkey. Lord Clarendon had stated in the House of Lords—he meant, "in another place," he was not allowed to mention anything so sacred—that a great deal was about to be done by the combined Governments of France and England with regard to the Greeks among the Turkish population. He had since understood the noble Lord the Secretary for the Home Department (Lord Palmerston) to repudiate any proposition of that nature, as being as bad as anything that Russia had done. They were further aware that the newspapers gave the most contradictory statements as to what was being done. He, therefore, wished to ask the noble Lord what was the fact about that matter, and whether he would lay before the House any particular convention with the Turkish Government, or cause any demand to be made upon it to improve the condition of its Christian subjects; if the Grand Mufti had been driven away, and another distinguished Minister deposed, it was right that the House should know what the Government were really doing on this important question. If the noble Lord was not now prepared to answer the question, perhaps he would do so next day, on moving the adjournment of the House.

Lord JOHN RUSSELL said, he believed he could give now all the information which it would be in his power to give to-morrow. He had begun his answer to the hon. Gentleman (Mr. M. Milnes), by stating that on a former occasion he had said they had not any proof against the Greek Government of having incited these insurrections; but, since that time, he thought that such proof had been supplied. With regard to the hon. Member's (Mr. Bright's) question, he begged to repeat that there was no convention of any kind between this country and Turkey, with respect to the manner of the government of the Turkish empire. Whether or not there ought to be such a convention, was a question into which he would not now enter. There had, however, been none proposed or signed on that subject. But Lord Stratford, pursuing the course he had pursued for ten or fifteen years past, had urged upon the Turkish Government the necessity of improving the condition of its Christian subjects, and altering those laws which belonged to another period and were incompatible with the fair and equal treatment of all the subjects of the Ottoman Porte. He had found that his representations had from time to time been listened to. Four or five years ago a great improvement was made by a certain edict then issued, and lately there had been a concession proposed with regard to the admission of the evidence of Christians in the courts of justice. In his last despatch our Minister stated that he expected that measure would be carried into effect, though it had not been finally adopted by the Ottoman Porte. He thought the hon. Gentleman would not deny that the English Government, in using its privilege of remonstrating with an ally, was right in exercising its influence on a subject so interesting to the inhabitants of this country.

RIGHTS OF NEUTRALS—QUESTION.

Mr. HUTT said, he begged to ask whether the *bonâ fide* sale of a Russian vessel to a British subject, since the declaration of war, but within six weeks of that event, would be regarded by the British Government as a legitimate transaction?

The SOLICITOR GENERAL said, he conceived it to be somewhat objectionable, as a rule, that questions involving difficult points of law, and which might probably come before legal tribunals, should be put, in this way, to the law officers of the Crown; but he would readily give the best opinion he could offer on the point. Any sort of traffic in or sale of goods, after declaration of war, between the subjects of belligerents, would, of course, be prohibited and unlawful; but having reference to the fact that, by Her Majesty's declaration, Russian vessels in our ports were to be allowed six weeks wherein to dispose of their cargoes, and that Russian vessels which had cleared out before the declaration of war, from any foreign port to a British port, were allowed to complete their delivery within the same period, he (the Solicitor General) thought that the licence so granted would extend to the *bonâ fide* disposal of Russian vessels being in a British port, or on their way to a British port, antecedent to the declaration of war; and that, consequently, in the case put by the hon. Gentleman, the *bonâ fide* sale of a Russian vessel to a British purchaser, since the declaration of war, within the six weeks allowed, and under the circumstances, was a strictly lawful and authorised transaction.

UNDER-SECRETARY FOR IRELAND—QUESTION.

Sir ROBERT FERGUSON said, he wished to inquire whether the statement in the Irish papers was correct, that the Under-Secretary for Ireland had been permanently appointed, and if so, whether the Government would have any objection to lay the correspondence on the table?

Sir JOHN YOUNG said, the office of Under-Secretary for Ireland had always been considered a permanent appointment until 1830 or 1834—he believed the latter year. The changing of that officer, who was conversant with all the details and routine of business, at the time when the Lord Lieutenant, the Chief Secretary, and the Lord Chancellor were removed, might lead to great inconvenience, particularly as it was an office not necessarily connected with politics. He thought it desirable that the gentleman filling the office should be independent of political parties, and able to act impartially between them. The gentleman who had been selected, Major Larcom, had been for a long time employed on the survey in Ireland and by the Board of Works, and had not been appointed on any political grounds. He was well acquainted with the affairs of Ireland, and the change might be regarded as a removal from one branch of the civil service to another. The present arrangement was that the office should be permanent, but of course the present Government could not bind any other Government on the subject. He had no objection to the production of the correspondence.

APPOINTMENT OF MR. STONOR.

Mr. G. H. MOORE said, he rose, according to notice, to move that a Select Committee be appointed to take into consideration the case of the appointment of Henry Stonor to the office of a judge in the colony of Victoria. There was one insinuation which had been industriously circulated and turned to account in connection with this Motion. It was stated, and was believed by many, that his course upon this question was one of vindictive hostility to Mr. Stonor personally. This was not the case; his object was not to hunt down and trample upon a fallen man. Had such been his object, the course taken by Her Majesty's Government would have abundantly gratified him. It was not at Mr. Stonor that he was striking. He was aiming at the high, and not at the low, and Mr. Stonor was not the criminal whom he wished to reach. The Ministers thought that by sacrificing Mr. Stonor they should escape pursuit, and they were perfectly ready, without remorse—almost without reluctance—to offer him up as a victim to his (Mr. Moore's) hostility; and it was not until he said that it was they whom he impeached that they took refuge in a whine of reproach against his vindictive persecution of a political opponent. In fact, he believed Mr. Stonor had been very hardly treated, though not in the sense of the hon. and learned Member for Dundalk (Mr. Bowyer), who, in his uncouth and ungovernable friendship for Mr. Stonor, appeared to have lost all that reserve of thought and of speech which usually distinguished him, and who had so lost his wits, in friendship for this Gentleman, that he informed the House Mr. Stonor had so greatly damaged his reputation as a lawyer by the part which he took in this Sligo election, that he had been obliged to leave the country. ["No, no!"] The hon. and learned Gentleman had said so. [Mr. Bowyer had not said anything of the sort.] Our Australian colonies had already refused to receive our criminals, and would they look with indifference upon the fact that lawyers of damaged reputation, who had been the detected and degraded instruments of habitual corruption, and who were no longer able to practise their profession with credit in this country, should be sent to preside over the administration of justice in theirs? Now, if instead of sacrificing poor Mr. Stonor the Duke of Newcastle had resigned, or even the hon. Gentleman opposite, his Under Secretary (Mr. F. Peel), he (Mr. Moore) might have considered that the justice of the case was satisfied. He might then have considered it unnecessary to pursue any further this inquiry; and even now he would make the frank, and in his opinion liberal offer, that, if the hon. Gentleman would enter into such a compromise as this, he (Mr. Moore) was ready to say that the justice of the case had been met, and was perfectly willing to withdraw from further inquiry. As, however, the hon. Gentleman did not seem at all disposed to enter into that arrangement, he felt compelled to proceed, in vindication of his assertion the other night that Mr. Stonor had been appointed to this office not in ignorance of or in spite of his corrupt practices, but because of his corrupt practices—that he had been appointed because he had transferred to an hon. Gentleman, then, but not now, a junior Lord of the Treasury, that interest and influence in the borough of Sligo which he had acquired by corrupt practices there. The fact was, that the act which had drawn down upon Mr. Stonor the censure of the Committee was far from being one isolated act of indiscretion on the part of that individual. Mr. Stonor had for a long series of years been steeped up to the lips in all the bribery and corrupt practices for which Sligo, in Ireland at least, was notorious, and, he believed, unrivalled. Before three successive Committees of that House he had been proved guilty, on the evidence of his own handwriting, of systematic acts of bribery and corrupt practices such as no gentleman in his position ever before was guilty of, and the only wonder was Mr. Stonor had had the unparalleled good fortune so long to escape direct censure. In 1847 Mr. Somers was elected for Sligo. A petition was presented against his return, in which Mr. Stonor, though in no way connected with the town, was actively engaged. That petition was successful. Mr. Somers was unseated; and Mr. Stonor went down to Sligo as the active supporter and partisan of Mr. Townely, who then contested the borough. Mr. Townely was successful; he was petitioned against, and Mr. Stonor was summoned as a witness; but excuses were tendered for his absence, he having absconded to the Continent, and (as the event proved) with very great discretion; for Mr. Serjeant Kinglake succeeded in establishing that the acts of Mr. Stonor did not bind the sitting Member. With the permission of the House he would quote part of the evidence of Mr. Stonor upon this occasion:—

"Mr. Coppock stated that Mr. Kelly said that Mr. Somers, and he also, as a friend of Mr. Somers, had spent a good deal of money upon the previous petition and at the contest; whether it was 3,000*l*. or more than 2,000*l*. I am not certain; and that they would not exercise their influence to get their petition withdrawn unless they got the money paid.

"Did you authorise Mr. Coppock to pay the money?—I told Mr. Coppock that it was better, under the circumstances, to pay this money, if we could induce the parties to withdraw the petition. I knew that the petitioners were parties in humble life, and, unless they were encouraged by Mr. Somers, they could not go on; and, therefore, I thought that if Mr. Somers and Mr. Kelly withdrew their consent, the petition would be immediately withdrawn.

"You authorised Mr. Coppock to give the sum of money?—He did not mention any sum.

"You authorised him to give a reasonable sum?—Yes, I said I would supply the money.

"Were you authorised by Mr. Townely to do so?—Certainly not.

"You did so upon your own responsibility?—Yes.

"Did you give the money to Mr. Coppock afterwards?—I did, on the following Monday.

"Was that your own money?—Some was mine, and some was money I had received for a particular purpose, to settle accounts in Sligo.

"It was Mr. Townely's money?—It was money I had to account for to his solicitor. I received the money from the solicitor to settle accounts.

"Can you say how much of the 1,500*l*. was Mr. Townely's money?—About 900*l*., I believe.

"You said, in answer to a question put by the chairman, that you were counsel for Mr. Townely on the petition?—On the petition that was disposed of, I was first engaged as counsel, but I then gave up my brief and went abroad."

This was the evidence of another witness examined on the same subject:—

"Mr. Coppock said: If you enable me to have those petitions withdrawn I shall give you 1,000*l*.; and, as I know your object in interfering with politics is to get a Government appointment, I shall get Mr. Townely to write as strong a letter as possible to you, pledging himself to give his own influence, and that of his brother the hon. Member for Beverley, and Lord Camoys, to get you a Government appointment, and I will give you 1,000*l*. besides. 'How is that to be done?' said I. Said he, 'It is very simple; I will write you two draughts of letters, which you will copy, and return to me signed, and then I will perform my part of the bargain.'"

The witness then went on to state that he called at the Speaker's office, and, finding that he had no authority in law to withdraw the petition, he again met Mr. Coppock, saw the letter of Mr. Townely, which Mr. Coppock had promised, and finally agreed to write a letter to the Speaker, which he knew was valueless, in consideration of 1,500*l*. which Mr. Coppock paid:—

"I was determined, when we had written the letter that has been produced here, that I would go the entire length with Mr. Coppock.

"What do you mean by going the entire length?—Receiving the 1,500*l*. and writing the letter to the Speaker."

"You knew that, although you made the proposition to withdraw the petition, the petition could not be withdrawn upon your signature?—Yes; I would give him no distinct authority until I knew the authority would not be regarded by the Speaker."

"You wrote a letter to the Speaker, although you knew that it was a false statement?—Yes."

Of these four individuals, Mr. Coppock had been ever since the confidential agent of the Government opposite; Mr. Stonor had been clothed with the ermine and made a Judge in the Colonies; Mr. Kelly had been made a magistrate of Sligo; and Mr. Walker admitted before the Committee on Complaint the other day, that he had received, through Mr. Somers, four appointments from the Whig Government, and that since he had betrayed and abandoned Mr. Somers, he had received a fifth appointment from Mr. Sadleir. Could the Government expect to receive any credit for putting down bribery if they allowed such individuals as these to be clothed with the ermine, to be raised to the magistracy, and to receive honourable and confidential employment? Mr. Stonor, however, was not satisfied with his experience in Sligo at that time, and the result was the direct censure of the Election Committee of last year. It was said, is it possible that the simple verdict of one Election Committee shall debar a man from ever again holding office? He entertained no such doctrine, but, at the same time, he would ask if it were proper, or even justifiable, to send a man who had been declared guilty of bribery by an Election Committee to preside over the administration of justice in the Colonies? To do so was, in his opinion, a gross and flagrant violation of public decency and a great outrage on the Constitution upon the authority of a Committee of that House. He felt bound to believe, however, that the appointment of Mr. Stonor was not in spite of the acts of bribery which had been proved against him, but was actually in consequence of them and because he transferred his influence in Sligo to a late junior Lord of the Treasury, the present Member for Sligo (Mr. John Sadleir). When Mr. Townely was unseated upon petition, Sligo was in want of a candidate, and the Gentleman who now had the honour of sitting for that borough was greatly in want of a seat, and Mr. Stonor's peculiar faculties were again called into requisition. He would not say by a corrupt conspiracy, he would not even say by mutual management, but by a kind of co-ordinance and coincidence of circumstances which were very surprising, on a particular day Mr. Stonor transferred his own interest and that of the electors of Sligo to the hon. Member who now represented that borough, and on the same day the friends and partisans of that Gentleman engaged in a very active and very chivalrous defence of Mr. Stonor in that House. It was then that he (Mr. Moore) stated his determination to expose the real character of the transactions at Sligo. He had been requested on a previous occasion, when the subject of the appointment of Mr. Stonor was under discussion, by the hon. and learned Member for Dundalk, to be silent on the subject, and he had improperly complied with the request; and the consequence was that he had since been taunted for his silence, and he now felt it to be his duty to go fully into the subject. The coincidence which he had mentioned proved successful, and the friends of the hon. Member for Sligo did the best they could for Mr. Stonor in that House, and Mr. Stonor fulfilled his part of the transaction by transferring his interest among the electors of Sligo to the hon. Gentleman who was elected. That hon. Gentleman was elected, and of course petitioned against, and Mr. Gore Jones, who was employed in the petition of Townely against Somers, accepted a retainer on behalf of the present hon. Member for Sligo to act against his then client, whose petition he was conducting. He (Mr. Moore) was not a professional lawyer, and did not therefore know how far the acceptance of that retainer was proper or right in a professional point of view; but, when it was considered that that gentleman, from conducting the petition, would become acquainted with all the secrets of the election, to be used afterwards against his then client, he felt sure that few persons would like to trust him with secrets concerning their property; and yet this betrayal of his employer, the use, or rather abuse, of the secrets with which he became entrusted with, this fluent swearing, obtained for that gentleman the position of income-tax collector—a position of all others which would enable him to make himself acquainted with the secrets of private persons. This was one of the instruments employed in the Sligo election. The other more damaged and useless instrument was sent out to preside over the administration of justice in one of the Colonies. Could any one, under these circumstances, deny that he had *primâ facie* ground for the assertion which he had made, that the appointment of Mr. Stonor was not only a reward for his services on that election, but that it was also intended as a compensation for the damage his character had sustained? The Colonial Office ought to be able to assign a just reason for this appointment, but it was evident it was unable to assign any reason at all. He had himself asked the Government if they were aware, when they appointed Mr. Stonor, that he had been reported against for bribery, and also whether, if they were not aware of it at the time of making the appointment, they were now prepared to cancel it. He had put these questions to the Government after due notice, and the hon. Gentleman the Under Secretary for the Colonies, in a speech which showed that he had got up the case very cleverly, or, indeed, that the case—and this was a more probable case than the other—had been got up for him—the hon. Gentleman stated that the Government, when they made the appointment, were not aware of the fact of an Election Committee having reported against Mr. Stonor, but that, considering all the circumstances of the case, they were not prepared to cancel the appointment. In other words, the axiom of the Colonial Office was simply this:—"That in making appointments ignorance is bliss, and when those appointments are once made it is folly to be wise." He was not about to criticise the very remarkable speech in which those remarkable dogmas were promulgated, but he believed the answer and the doctrine excited, with one single exception, unanimous disapprobation. He believed, if the Government had resolved on retaining the appointment, they would not have been able to command the votes of fifty independent Members. The hon. Gen tlemen opposite (pointing to the bench usually occupied by Liberal Irish Members) alone defended the appointment, and the hon. Under Secretary for the Colonies condescended to be their mouthpiece, as the noble Duke at the head of the Colonial Office had condescended to be their instrument. The reason why he said the Under Secretary could not have got up the case was, that the hon. Gentleman taunted him with having been present and not opposed the issuing of the Sligo writ, and he did not believe, if he had remembered the circumstances of his (Mr. Moore's) being present, the hon. Gentleman could possibly have forgotten that he also was present on that occasion. He (Mr. Moore) on a subsequent occasion moved for an Address to the Crown to cancel the appointment, and then the Government put the hon. Gentleman the Under Secretary for the Colonies forward to make a statement which, in fact, amounted to a declaration that the Government were quite ready to commit what they believed to be an act of gross injustice to Mr. Stonor. Perhaps the Government took that course because they discovered that Mr. Stonor had behaved better than was expected. When they were made aware that Mr. Stonor had been reported against for bribery, they stated that his appointment would not be cancelled; but when they found that Mr. Stonor had acted like an honest man, and sent with his testimonials the Report of the Election Committee, they were at once ready to abandon him. What the statement of the hon. Gentleman the Under Secretary for the Colonies amounted to was, that one day a letter was received by the Government from Mr. Stonor, a gentleman of whom they previously knew nothing, stating that he should rather like to have a judgeship; that testimonials were enclosed in that letter, and among them there was the Report of a Committee of that House; but that, through the mistake of a clerk, those testimonials were never read.

Mr. FREDERICK PEEL said, he must beg to state that he had not said a single word about a clerk.

Mr. G. H. MOORE: It must have been a mistake on the part of a clerk or of somebody else; but, be that as it might, it appeared from the statement of the hon. Gentleman that the fact was so. So, having received a letter from Mr. Stonor, saying he would like to be made a Judge, and knowing nothing about him, the Government for that reason appointed him. He (Mr. Moore) could only answer in the words of little Paul, in Mr. Dickens' novel, "I don't believe that story." No one believed it. It was perfectly incredible and impossible, because if the Government had not seen the Report they could not have seen the testimonials sent with it, and not having seen the testimonials, it could not be conceived that they would be guilty of such unpardonable levity in making the appointment. He squeezed out of the Under Secretary this further statement—that although they had not read the testimonials, the letter of Mr. Stonor, which they had read, recited the names of the persons signing the testimonials, and those names were very high and very respectable. He admitted that the statement became less monstrous; still it was utterly impossible that the Government could have appointed a gentleman merely upon his own letter and his own recital of those who had recommended him. It was quite clear that Mr. Stonor had much higher recommendation with the Duke of Newcastle than any contained in the unopened packet of unexplored testimonials. He had now stated what he believed were the circumstances of this case. The House had also heard the statement of the Government, and he confidently appealed to them for a decision upon the question he had raised. His statement might be unjust and unfounded. Their statement, however, was impossible; but even if true, it afforded much stronger ground than any of his suspicions for inquiring into this case, because the people in the Colonies had a right to know, and that House had a right to know, whether it was possible that Judges, to be sent out to administer the law, and to obtain credit for the law, could be chosen with a levity and disregard disgraceful in the case of a counting-house clerk, or even of a parish beadle. He believed the answer of the Government was very reserved and incomplete, but if complete, that there was still further ground why inquiry should be made; and in his view inquiry was necessary for the honour and credit of the Members of Her Majesty's Government, and for the honour and credit of the Government in our Colonies.

The CHANCELLOR of the EXCHEQUER, in seconding the Motion, said, upon occasions analogous to this, Sir, it has been commonly felt to be desirable by those who have made Motions of such a character as the present, that inasmuch as they are looking forward to an investigation which ought to be substantially a judicial investigation, the preliminary statement submitted to the House should be kept as closely as possible to the point and circumstances, and as far as possible from recriminatory matter. I confess it appears to me that is a general rule of prudence and propriety, but it is a general rule, which I am bound to say the hon. Gentleman (Mr. Moore) has set at defiance in every sentence he has uttered. There is a great difficulty in the proposal of the hon. Gentleman, not only as regards the noble Duke, whom I, as every man who has the satisfaction of knowing him, am proud to claim as a friend, but as regards Mr. Stonor himself—for I am at a loss to reconcile and harmonise the hon. Gentlemen's sympathy and compassion for Mr. Stonor with the gratuitous and wanton assaults he has made on his character. The hon. Gentleman said, in the first place, he thought it was an outrageous thing that a person who had been the degraded instrument of habitual corruption should be chosen to fill the seat of justice in one of our Colonies. That is pretty strong against Mr. Stonor. But having said that, what did he go on to say? He went on to say that if my noble Friend the Secretary for the Colonies, or even the hon. Gentleman the Under Secretary, had resigned office, in consequence of this attack, then he for one would have been perfectly content to have accepted that as a compromise. He entirely forgot the sanctity of the seat of justice and the interests of truth. [Mr. MOORE made gestures of dissent.] That, at all events, was the language of the hon. Gentleman. The hon. Gentleman used the expression that on such terms he should not be dissatisfied with a compromise. However that may be, I only wish to say that I think the hon. Gentleman, with his compassion —I must call it his affected compassion—for Mr. Stonor—I think the hon. Gentleman has been grossly unjust to Mr. Stonor, in going into other matters and transactions not included in the terms and scope of his Motion. The hon. Gentleman says, Mr. Stonor is the degraded instrument of habitual corruption. Why did he not give notice to those interested in Mr. Stonor personally—I certainly am not—that his charge was about to take that range. He gave no such notice. His object was to prejudice his case. If the hon. Gentleman had known how to discharge the duty he had undertaken, he ought to have confined himself to the point and the circumstances, and sedulously avoided the introduction of other matters, tending to throw discredit on the party with whose case he had to deal. So much for Mr. Stonor, and in that particular I agree with the hon. Gentleman that Mr. Stonor is not the party really before us. The party before us is my noble Friend the Secretary for the Colonies; and, Sir, I must confess, when first I saw notice of this Motion given, I thought the mode of dealing with the case not free from difficulty, because I think I shall have the general concurrence of this House when I say while, on the one hand, it is most important to vindicate the right of this House to sift to the bottom every case of abuse in the administration of patronage, on the other hand, it is likewise important to maintain the principle that the sole responsibility for patronage rests with the Executive Government, and to avoid any proceeding which shall allow any Member of the Government to shuffle off that responsibility to other parties who may have made the recommendation on which he acted. That is the real difficulty in this case. When you call on a Minister to say on whose recommendation he made an appointment, you call upon him to use his endeavour to shuffle off a portion of that responsibility and to put it on the shoulders of others. But if I felt the slightest difficulty, it would be removed by the anxiety of my noble Friend that there should not be any hesitation shown in granting this Committee. While the hon. Member for Mayo says Her Majesty's Government have concern in this Committee—Her Majesty's Government not separate from my noble Friend—I am bound to say the hon. Member also has some interest in this Committee. I may tell the hon. Member he has committed himself to no inconsiderable extent by what he has said to-night. The hon. Member has made a charge of such a description, that if he is able to prove that charge, no doubt it will bring a public offender to justice; but if he is not able to prove it, that charge will recoil upon himself. What says the hon. Gentleman? He says, in consequence of Mr. Stonor having transferred the influence he had obtained in Sligo to a junior Lord of the Treasury, this appointment was conferred on him by my noble Friend. That is the charge. It is a charge of no common amount. The guilt implied is guilt of a very deep dye. Has the hon. Gentleman proved that charge? Sir, he has not advanced anything even in the nature of proof. What he has said is, that these circumstances coincided in point of time. He said, if this was not the reason of the appointment, what was the reason? and then he appeared to think he had pretty well done his work. But I tell the hon. Gentleman, when he chooses to make such charges as that, he is bound to state something in the nature of argument—something in the nature of fact in its support. Well, he says, if that was not the reason, what was? On that I shall only say that is not adequate support of the charge which the hon. Gentleman has made; but there is not the least difficulty in telling the hon. Gentleman what was the reason of the appointment. I shall not undertake to travel through all the irrelevant matter he has introduced into his speech, about the appointment of Mr. Walker, the magistracy of Mr. Kelly, the collectorship of Mr. Jones—these are all matters of which I for one, and I believe I may say all my Colleagues, are entirely ignorant, and with respect to which their introduction can have no effect, except to perplex the case. If he says in any of those instances they were corrupt or improper appointments, I am quite sure he will have every assistance of the Government in bringing those improper and corrupt appointments under the notice of this House. But let them be brought and tried upon their own merits, not foisted and thrust into a matter with which they have nothing whatever to do. The hon. Gentleman says a certain story was told by the Under Secretary for the Colonies about a packet of papers, and he does not believe that story. I cannot pass by that passage without reflecting on the extraordinary licence of the hon. Gentleman. I for one, having been a partaker in the general responsibility of the Government with regard to patronage, did not feel at all disposed to call attention to that licence, but I do think he goes beyond the general rule of this House, and says what he is not entitled to say, when he tells an hon. Member, after having imputed to him a certain statement—whether correct or incorrect is quite immaterial—he does not believe that story. My hon. Friend the Under Secretary for the Colonies made no such statement as the hon. Member for Mayo has imputed to him. If he had, the hon. Gentleman would not be justified in this mode of dealing with it; but as my hon. Friend never made that statement, as the hon. Gentleman has misunderstood him, and put a statement into his mouth which he never made, the conduct of the hon. Gentleman is most unbecoming and most improper. My hon. Friend never stated at all that Mr. Stonor was appointed simply on the strength of certain written testimonials. I speak in his presence, and by his authority, and I say no such statement was made. I grant, if such a statement had been made, it would be open to the comment of the hon. Member; but no such statement was made. My noble Friend the Secretary for the Colonies earnestly trusts this House will make no difficulty in granting this Committee. I know in the minds of some hon. Gentlemen there is great disinclination to promote inquiry of this nature; but on the part of my noble Friend, and on the part of the Government, I must solicit them to overcome such disinclination, and allow the whole of the facts to be thoroughly investigated and submitted to the public. I put it, on the one hand, that the character of my noble Friend and of the Government is in a great degree involved; I put it, on the other hand, that it is right, after a Member of this House has chosen to impute corruption that would justify impeachment—it is right that that matter should be searched to the bottom, to know with what kind of evidence and with what kind of proof the hon. Gentleman has had the levity to make such a charge. With regard to my noble Friend his statement is a very simple one. Of course he will himself lay that statement before the Committee. At present I have to meet the unsupported allegation of the hon. Gentleman, that Mr. Stonor was appointed with the guilty knowledge and with the corrupt intention of rewarding political services, and those services, too, of an immoral nature. I have to meet that unsupported statement with the unqualified denial of an English gentleman, whose word was never doubted. Sir, my noble Friend did not appoint Mr. Stonor with any knowledge whatever, on the contrary, he appointed him in total ignorance of his connection in any form with the borough of Sligo, or in any form with political corruption. He did not appoint Mr. Stonor upon the application of the hon. Gentleman the Member for Sligo (Mr. Sadleir), for the best of all reasons—I believe I speak in the presence of that hon. Member—that he made no such application. He did not appoint Mr. Stonor on the ground of any political recommendation or application whatever. But he did appoint Mr. Stonor in ignorance of the reasons which, if they had been known to him, would undoubtedly have prevented his appointment. But he did appoint Mr. Stonor upon testimonials, not exclusively written, but high professional testimonials, satisfying him of his professional competency, while with respect to that gentleman's personal character there was no reason to entertain a doubt. That is the substance of the case which my noble Friend has to submit. I do not wish to dwell upon it; I do not wish to introduce any other extraneous matter; but if the appointments of Messrs. Walker, Jones, Kelly, and the rest, are impugned, by all means have them up; only I will just observe that the hon. Member is entirely wrong in supposing an income-tax collector has anything to do with the investigation of private accounts. Be that as it may, whatever the office, let us search the matter to the bottom—let us see whether such appointments have been corruptly made, whether the hon. Gentleman is justified in having made these charges upon insufficient evidence or no evidence at all. I have two requests to make on the part of the Government. The first is, that the House will be pleased to appoint the Committee. The other is one to which I am certain there will not be the slightest difficulty in acceding—at least if I am correct in supposing the course of precedent justifies such a proceeding—that that Committee may be appointed, in a manner which recommends itself to the approbation of the House, by the General Committee of Elections. By that mode we shall have a Committee composed of Gentlemen who will carry a judicial character into the Committee-room. However desirous to avoid that which, in the hon. Gentleman, I have commented on, I know that partisan feeling and a spirit of crimination and defence insinuate themselves into these discussions; but if the General Election Committee be the body entrusted with the choice of judge to constitute this tribunal—the Government can desire nothing better than to arrive at a speedy issue—either we shall be found guilty of the highest order of corruption, as is the opinion of the hon. Member for Mayo, or his conscience will not be altogether clear with regard to the nature and sufficiency on which he has thought fit to make so serious a charge.

Motion made, and Question proposed—

"That a Select Committee be appointed to take into consideration the case of the appointment of Henry Stonor to the office of a Judge in the Colony of Victoria, the said Henry Stonor having been reported by a Committee of this House to have been guilty of bribery at the Election for the Borough of Sligo in 1853."

MR. DRUMMOND: Sir, I rise with the not altogether hopeless endeavour to persuade this House to reject both the Motion of the hon. Gentleman the Member for Mayo (Mr. Moore) and the consent which has been given to that proposition by the Government. This is neither more nor less than an attempt to bring down into the body of the House the scenes like those which occurred in the Committee on Corruption upstairs. It is more than that. It is an attempt to engage the whole power of this House against a helpless individual. If, as the hon. Gentleman said—at least as he began by saying—he made his Motion in the interest and out of regard to Mr. Stonor—all I can say is, I shall hope long to enjoy his enmity. Sir, it is impossible for any man, possessing the richness of language or eloquence which always comes from the opposite side of the Channel, and in no one is more efficacious than in himself, to have overlaid a character with more opprobrious terms than the hon. Member has that of Mr. Stonor. The course I propose on this occasion is one I proposed on a similar occasion, and I stated then, and I state again, that my master on such subjects was an Irishman. It was in the days when the noble Lord the Member for the City of London once said eloquence, patriotism, honesty, and common sense were associated with the name of Henry Grattan; and I remember, as I said then, Mr. Grattan urging the House not to interfere in a like case by the similitude of the little impudent dwarf that insulted the giant. When the giant boxed his ears, the dwarf kicked his shins, and the generous bystanders said, "Well done, little fellow." And I think every Gentleman who has heard the speech of the hon. Member will be inclined to take the part of Mr. Stonor, and not the part of the hon. Member for Mayo in this transaction. What is it these Gentlemen have done? They are continually abusing every Government that can be formed, because they do not employ Irishmen sufficiently, and when an Irishman is appointed they do nothing but vilify his character. Sir, I remember when an artist went to see the celebrated Mr. Turner begin a picture, he saw him take a patch of yellow, and putting it on the canvas, say, "There, stay there until I make you white." The obvious meaning was that he was going to fill the rest of the canvas with such brilliant colouring and deep shadows, that this bit of yellow paint, in its nature not white, would appear white. The hon. Gentleman says he has been giving us a sketch. It seems he also is an artist. The arts always go hand in hand. With the arts of poetry, imagination, and eloquence we are sure to find that of painting; and it appears there are great painters on the other side of the Channel, who give us a great picture, in which they appear pre-eminent; and they say, "No matter however black I am, stand you there till I have made everybody else blacker." Why, Sir, there is no end to idle stories which may be picked up —really I cannot walk along the street without hearing them; but what sensible man does not let them go into one ear and out at the other. Since I have sat for the last few years in this House, I have heard stories of one Member being bought by a baronetcy, of another being bought by the reversion to an Irish peerage, and of another being bought by a ticket to a Court ball. It is odd, the price at which purchases may be effected. I think an Irish peerage a positive nuisance, the baronetcy little better, and by far the best price was the ticket for the Court ball. But, Sir, it is very difficult to form an estimate of the real amount of dread which Irish Members have of corruption. For what did we hear last year, when the question of the income tax was before us? They told us they were perfectly willing to support Lord Derby's Government, or to vote against it, or to support Lord John Russell's Government, or to vote against it, according as they could save themselves the income tax, which income tax was 7*d.* in the pound. That is their price. By their own confession, any Chancellor of the Exchequer may have Irish support for 7*d.* in the pound. I think it very awkward, when large bodies like this take fits of caprice. I do not like Gentlemen to be exceedingly moral one year and very immoral the next. I said when I began, I did not rise as the friend of Mr. Stonor. I do not remember having ever heard his name. I know nothing about him. I rose to vote against both propositions. I recollect on one occasion the sitting Members for a certain place being petitioned against; their opposition to the petition was declared to be frivolous and vexatious, and they were reported to have been guilty of bribery and corruption. What was done? One was immediately made Solicitor General, and the other was made Lord Chancellor. And this poor man, who, I understand, was a briefless barrister, is obliged to give up his profession, goes out to one of the Colonies as a Judge, is guilty of unheard-of corruption, and this pure House never heard anything like it. It is excessively disgusting, and will be reckoned a piece of pure affectation. I so far agree with the hon. Gentleman, that the conduct of the Colonial Department was exceedingly mean and shabby. Having made the appointment they ought to have stood by the man; instead of which the hon. Gentleman (Mr. F. Peel) comes forward, like *Sneaky Peaky*, in the poem of *The Little Hunchback—Sneaky Peaky* chucks the *Hunchback* over on some one else. The Government did very wrong in giving up Mr. Stonor. I hope the House will reject this Motion, and not allow it to go any further, and I shall certainly divide the House against it.

Mr. BOWYER said, that the hon. Gentleman (Mr. Moore) had introduced his Motion with a great show of patriotism to vindicate morality and public purity on public grounds, and he complained that people said he was actuated by ill feeling against Mr. Stonor. Yet he appealed to any Gentleman present whether in their experience they had ever heard a more bitter, a more virulent—he had almost said a more malignant—attack than that of the hon. Gentleman? The hon. Gentleman had allowed himself to be so carried away by that lively imagination from which he derived his eloquence and some of his facts, that he had bestowed a portion of it on him. On two occasions he said, "No, no," to the hon. Gentleman. He adhered to what he said, for on both those occasions the hon. Gentleman was saying what he might have believed to be the fact, but was certainly not the fact. The hon. Gentleman had said that when he (Mr. Bowyer) requested him not to attack Mr. Stonor, he spoke loudly and even noisily. He denied that that was the case, and would put it to the House whether it was not obvious that a communication of that sort must have been confidential; and whether it was not most unfair, both to himself and to Mr. Stonor, that the hon. Gentleman should have mentioned it. The sole reason that he (Mr. Bowyer) had for wishing the hon. Member not to attack Mr. Stonor was that he believed that Gentleman to be innocent, and did not wish him to have so virulent an assailant as the hon. Member for Mayo (Mr. Moore). He admitted, indeed, that he was mistaken in asking the hon. Gentleman not to assail Mr. Stonor, for he was sure that a speech like that which they had just heard from him—a speech so virulent, vituperative, and bitter—would enlist in favour of the persons attacked the sympathies of all generous minds. He would tell the hon. Gentleman that, although he had brought forward heavy charges in the course of his speech, he had, in making it, damaged himself rather than Mr. Stonor.

Mr. HINDLEY said, he had never before had an opportunity of speaking on this subject, although he was one of the Members of the Committee on the Sligo Election Petition of last year. Seeing the Motion on the paper, he had refreshed his memory by reading the evidence given before that Committee, and had come down prepared to take part in the debate; but he had been exceedingly astonished to find that the hon. Member for Mayo had changed his ground completely from that which he took when he commenced his attack; and had stated that if he had to rest his case on the decision of the Sligo Election Committee with reference to the appointment of Mr. Stonor he could not maintain his ground. [Mr. Moore: No, no!] That was the declaration of the hon. Gentleman; and if that was not his meaning, why was it that he had gone back to the evidence taken before the Committee of 1848, and which was only in manuscript? If he thought that that evidence was of importance, why did he not move that it should be printed, in order that the House might know how far it implicated Mr. Stonor? He really thought that the evidence of 1848, or the Report on that evidence, or something connected with it, had been hanging about Mr. Stonor's neck without the Committee themselves being cognisant of it, and that it had had the effect of damaging Mr. Stonor to an extraordinary degree, for after the Committee of 1853 had sat for about half an hour, and when they had only examined one gentleman, Alderman O'Donovan, the Chairman rose and said, he thought the agency of Mr. Stonor had been proved. He (Mr. Hindley) considered such a proceeding so extraordinary that he desired the Committee room to be cleared, and he moved that the agency of Mr. Stonor had not been proved, and that further evidence was required. The Chairman, on that Motion, was left in a solitary minority of one, the four other Gentlemen of the Committee voting against him. He mentioned this in order to show that the very strong opinion which the Chairman of that Committee had expressed in the House, in reference to Mr. Stonor's appointment, should not be taken without some discount, because, from the very first moment, he did in some way connect the proceedings of 1848 with the proceedings of the election in 1852. There was no evidence to prove the agency of Mr. Stonor. Then came the question, had he really promised to pay Alderman O'Donovan 103*l.*? It appeared that that person had paid money on account of Mr. Townely at former elections, and that he wrote to Mr. Townely to be repaid. The hon. Gentleman (Mr. Moore) had said that Mr. Stonor promised to pay Alderman O'Donovan the sum of 103*l.* after the election. Now, he (Mr. Hindley) defied the hon. Member to point to a single line in the evidence to show that that was the case. It was very easy to deal in assertion, but he required proof. Fearing that he, as a Member of the Committee, not being a lawyer, and therefore not accustomed to weigh evidence, might take as proof what was not proof, he watched vigilantly for evidence of facts, and he would defy any one to take the Report of the Sligo Committee and show that Alderman O'Donovan had ever received a promise of payment from Mr. Stonor. It was said that the promise was contained in a letter written by Mr. Stonor to Mr. Verdon, the Mayor of Sligo. That letter was in the Committee room, but it was never put in evidence, nor appeared upon the minutes. The letter was dated 11th November, 1852, and it referred to the outstanding claim of Mr. O'Donovan. In this letter Mr. Stonor said he would consider whether he would recommend Mr. Townely to pay the money. But that was not said to Mr. O'Donovan, but to Mr. Verdon. Mr. Alderman O'Donovan in his evidence said, that some very vague promises had been made by Mr. Verdon and others, but there was not a shadow of proof that they were made by Mr. Stonor. Mr. O'Donovan stated, that he frequently wrote to Mr. Townely for the balance due to him, and on the 22nd of May, 1852, Mr. Townely wrote to him in these words:—

> "Dear Sir,—I regret that at the present moment it is impossible for me to enter upon the subject of your letter."

In the *Catholic Standard* of last week a letter was inserted, written by Mr. Verdon, in which he said:—

> "That he happened to know all the facts of Mr. Stonor's case; that the letter upon which the Committee of the House convicted Mr. Stonor of bribery was written by that gentleman to him (Mr. Verdon); that a copy of it was surreptitiously obtained from him; that, nevertheless, the Committee found Mr. Stonor guilty of bribery, by promising to pay Alderman O'Donovan a certain sum of money if he abstained from voting against Mr. Townely; and that that letter was never given in evidence."

Mr. Verdon then asked who ever heard before of a court of justice condemning a man when the document on which the accusation was founded was not handed in and proved?

> "But," continued Mr. Verdon, "putting aside this error of judgment, this gross miscarriage, he thought it due to Mr. Stonor to assert that he could have proved that the allegations made against that gentleman were utterly unfounded had he been examined."

And why was Mr. Verdon not called? Because the parties thought the charge was so trumpery that it was not necessary to do so. It was only because the character of an absent gentleman had been most wantonly attacked, and his prospects destroyed, that he (Mr. Hindley) felt it due, as an act of justice to an injured man, to enter into this explanation of what took place before the Committee. But the hon. Gentleman (Mr. Moore) had, since notice of his Motion, changed his purpose. His first attack was upon Mr. Stonor; but now it was upon the Government, whom he charged with not having read all the papers that were laid before them previously to appointing Mr. Stonor. It would be a hard task if every Member of Parliament were bound to read the great mass of papers that were daily coming before him. He could readily acquit the noble Duke at the head of the Colonial Department, and the hon. Under Secretary also, of any inattention to the case when they first appointed Mr. Stonor, and he could particularly acquit them of any wish to ruin Mr. Stonor, by the course they had since taken. In conclusion, he must say that he rather agreed with the hon. Member for West Surrey (Mr. Drummond) that the sooner the House threw the whole matter overboard and determined to have nothing more to do with it, but to leave it entirely with the Government, the better.

MR. H. HERBERT said, it was with very considerable regret that he obtruded himself for a few moments on the House, but it did seem to him that the present proceeding was one of so very strange a nature that he could not resist saying a few words, and stating how it presented itself to his mind. He thought the hon. Gentleman who had just sat down had acted almost injudiciously in entering again upon the merits of the case as regarded Mr. Stonor. He did not think the House was called upon to pronounce any opinion upon that subject. He believed that the appointment of Mr. Stonor originally was a very great mistake. He regretted it when he heard the facts brought forward. But Mr. Stonor's appointment had been rescinded. Now, if after you had offered the greatest insult to a man, you retracted that insult, he believed that among gentlemen generally everything that had passed was healed as if it had never passed. Well, if you made an appointment, the propriety of which was attacked, and you rescinded that appointment, he presumed there could not be a stronger proof given of an impression that the appointment originally was improper. Therefore, he did not think the House was called upon to express an opinion upon the subject when the very act of the Government was an admission that the appointment originally had better not have been made. What, then, was it that the House was now called upon to inquire into? It appeared to him to be simply this, whether the Duke of Newcastle had spoken the truth or not. He had the honour of knowing the noble Duke, and he believed that, beyond even the high title and the high rank which that noble Duke enjoyed in this country, he would place above all other things the title of an English gentleman; and he (Mr. Herbert), as far as one Member of that House was concerned, when he saw an English gentleman come down to the House, and declare, as the friend of that noble Duke, and in his name, on the honour of an English gentleman, such and such a fact to be the case, he did believe that word; and he did think that it would be an unseemly sight to foreign countries to see that House appoint a Committee simply to inquire whether a nobleman, filling one of the highest positions in this land, and who had hitherto maintained the most unblemished character—whether the man, as the right hon. Gentleman had stated, that every one who had the honour of his acquaintance deemed it to be a privilege, whether he had spoken the truth or not. For what had he stated that night? The noble Duke had instructed his right hon. Friend the Chancellor of the Exchequer to say, on the honour of an English gentleman, that he was not aware that any corrupt practices had been alleged against Mr. Stonor. The proposed Committee would have simply to inquire whether that allegation was true or not. He did not believe that any Gentleman on either side of the House could for a moment doubt the truth of that statement. He believed that the hon. Member for Mayo himself, on mature consideration, would be inclined to withdraw a Motion which could only give pain. He should like to know what it was they had to inquire into, the appointment of Mr. Stonor having been rescinded, and the statement on behalf of the noble Duke having been made. With these views he should certainly vote with the hon. Member for West Surrey against the Motion.

Mr. J. D. FITZGERALD said, he would not have interfered in the debate except from feelings of commiseration towards this unfortunate gentleman, Mr. Stonor, who was, however, personally entirely unknown to him. Though it was his intention to support the Motion of the hon. Member opposite (Mr. Moore), with certain modifications, to which he would presently advert, he must express his most unqualified dissent from the manner in which it had been brought forward. He believed that he spoke in an assembly of gentlemen, in an assembly animated by that fair spirit which was characteristic of Englishmen. He would ask them whether the speech which the hon. Member opposite had thought fit to deliver was not one which it was most derogatory to himself to utter, and degrading to that House to hear. The hon. Member had got up with a pretence to which no one could give credit. He said that he did not wish to press further upon "poor Mr. Stonor." The hon. Member had ruined that unfortunate gentleman—he (Mr. Fitzgerald) did not ask whether from a sense of public duty or private malignity—but he had ruined him, and then he asked the House to believe that he did not wish to press further upon him. The eloquence with which the hon. Member was gifted was like the fabled creature which polluted everything it touched. From Mr. Stonor he travelled to "his uncouth Friend, Mr. Bowyer," who had, at least, the advantage of being a gentleman. Having told the House that Mr. Stonor was the "stolid instrument of profligacy," and that the Colonial Minister had appointed him to office as the reward of corrupt practices, he next informed the House with respect to this poor man—whom he did not, forsooth, wish to injure—that his "name, like a polluting stream, went through the whole of these proceedings." But, not content with this, he next attacked Mr. Gore Jones, bringing against him a charge which, if true, he was bound to prefer in a tangible shape. He did not state, but insinuated, that Mr. Gore Jones was base enough to take a retainer from the opposite side to betray his own client. [Mr. Moore: No, no!] That possibly was not the statement, but it certainly was the insinuation; and the hon. Gentleman added, that for this Mr. Gore Jones was rewarded by the Government with the appointment of collector of income tax. Now, the foundation of this charge was simply the hearsay evidence before the complainant's Committee of a person named Dane. And the very day after this evidence was given Mr. Gore Jones attended the Committee, and offered himself for examination to prove that it was totally false. The Committee, of which the hon. Member for Mayo was one, did not consider it necessary to hear Mr. Jones. From the terms of the hon. Member's Motion, it might naturally be inferred that he intended to support it by something that took place before the Sligo Committee of 1853. Instead of that, however, he had got from the library a manuscript Report of the evidence taken before the Committee of 1848, and retaining it in his own possession, so that it was impossible for any other hon. Member to become acquainted with its contents, he had made that, and not the Report of 1853, the foundation of his charges. Now, he (Mr. FitzGerald) found that, in the debate of June 30, 1848, upon the issue of a new writ for Sligo, the hon. Member for North Northamptonshire (Mr. Stafford), who had moved it, said:—

"In Sligo no bribery had been proved before the Committee, no special report had been made, and all that was charged against the candidates was that they had been guilty of treating. But the greatest purist would, he thought, be disposed to admit that if anywhere treating was excusable, it was in the province of Connaught."—[3 *Hansard*, xcix. 1410.]

Mr. Wrightson, the Chairman of the Committee, and another of the Members, agreed with the hon. Member for North Northamptonshire in stating that the only case charged against the sitting Members was one of treating. If they turned to the Report of the Committee which sat upon the last election for the county of Mayo, they would find no fewer than sixty cases of treating, which he supposed was justified on the ground taken by the hon. Member (Mr. Stafford), that, if treating was ever excusable, it was in Connaught. He could very well understand how the Committee of 1853 might have come to the conclusion that Mr. O'Donovan was prevented from voting by the belief that he was promised payment of a debt. But it was quite another question whether any one would be justified in characterising the conduct of Mr. Stonor as the hon. Member for Mayo had done. In June last there was a debate, and subsequently (after the evidence taken before the Committee had been printed) an adjourned debate, upon the issue of the warrant for Sligo, and upon that occasion he well recollected that the House was greatly puzzled to make head or tail of the decision at which the Committee had arrived, in consequence of the absence of the document which was said to be the foundation of the Report. The Members of the Committee spoke in favour of the issue of the writ, and on that occasion the language of the hon. Member for Mayo (Mr. Moore) was rather singular. He said that he would support the Motion, notwithstanding the reasons given by the hon. Member for Dublin, who had opposed it on the ground that bribery and intimidation had taken place. To his great surprise, however, when this subject was discussed on the 14th of last month, the hon. Member for Mayo (Mr. Moore) was not ashamed to allege, as an excuse of his former conduct, that he had been personally requested by the hon. and learned Member for Dundalk (Mr. Bowyer) not to state what he knew, and that he did not do so because he did not wish to throw water on a drowning rat. If, however, the hon. Gentleman conceived that at the call of private friendship he was justified in swerving from his public duty, while Mr. Stonor was in England, his lips should for ever have been sealed upon the subject, especially while that gentleman was absent from the country, and therefore unable to defend himself. When that gentleman has left the country, it is no time for the hon. Member to come forward and ask the House to believe that it is a sense of public duty that actuates him. He (Mr. Fitzgerald) did not seek to impugn the decision of the Committee; but he would beg to call the attention of the House to the facts as they appeared. Mr. O'Donovan had a claim against Mr. Townely for some unsettled account on which he (Mr. O'Donovan) was liable. In 1848, an action was brought against him (Mr. O'Donovan), and a verdict was given for 203*l.*, which he was compelled to pay. Up to 1851 he made repeated applications to Mr. Townely, which he refused to entertain. After some time, a Mr. Verdon wrote to Mr. Stonor, requesting him to bring Mr. O'Donovan's claim under Mr. Townely's consideration. The reply was, that he could not do so at the time, but that after the next election he would. This letter was shown to Mr. O'Donovan by Mr. Verdon; it might be legal bribery on his part, but it was a different question whether Mr. Stonor had authorised him. The Committee, however, found that he had been guilty of bribery, and affixed a stigma on him. If the hon. Member for Mayo was actuated by so high a sense of public duty, he might then have moved that the Attorney General should prosecute Mr. Stonor for bribery, or that the Committee should proceed further with the inquiry; then, indeed, private friendship had restrained him, but he now came forward from public motives, from a pure spirit of patriotism, to prevent corruption in the disposal of Government patronage. *Credat Judæus.* He came forward, not to trample on a poor man, but to inquire into the conduct of the Government. No one could for a moment doubt the accuracy of the statement made by the noble Duke the Colonial Secretary; but had not Mr. Stonor been most hardly dealt with? It was impossible for him (Mr. Stonor) to contravene the decision of the Committee; he could institute no proceeding to test it, though the hon. Member opposite might. Was Mr. Stonor to have been for ever debarred from employment? A good deal had been said of the importance of the office to which he had been appointed, but he (Mr. Fitzgerald) believed it was nothing more than an ordinary magistracy, but one that should be filled by a person of legal attainments and unsullied character. What did Mr. Stonor do? He sent testimonials as to his professional qualifications from Lord Denman, the present Lord Chief Justice, and other eminent lawyers, and sent a printed narrative of all those transactions as affecting his private character. Could any blame attach to him? What more could he have done? It would be a most harsh measure if the Government were to enforce his recall; but they would do so, and condemn this gentleman to utter and irretrievable ruin unless he was redeemed by some proceeding of that House. He (Mr. FitzGerald) had no inducement to come forward, but his regard for justice. This might draw on him the resentment of the hon. Gentleman, whom he remarked had always some person to attack, some victim to run down. He might, perhaps, be the next object of his virulence, but he hoped the attack would not be made in his absence. He would move, as an Amendment, that all the words after "in the Colony of Victoria" should be omitted. His object was, that the Committee should be empowered to inquire not only into the circumstances of the appointment, but also into the transactions, as appears before the Committee of 1853. They would thus have an opportunity of inquiring whether the charge of bribery was fell founded. The Motion as it now stood assumed that the charge had been fully proved. The right hon. Gentleman the Chancellor of the Exchequer had alluded to an expression of the noble Lord the Leader of the House, that at least in the time of Grattan, Irish Members were men of eloquence and honour, and actuated by a spirit of patriotism. He (Mr. FitzGerald) revered the memory of Grattan, and blushed that the people of Ireland had ever been ungrateful to his name; but he must say, that there were still Irish Gentlemen in that House, who, though they might not lay claim to the gift of eloquence, yet possessed good sense and a desire to serve the best interests of their country, Gentlemen who did not live by pandering to the taste for private scandal, and who had honourably endeavoured to perform their duty in a period of unexampled difficulty.

Amendment proposed, to leave out from the words "Colony of Victoria," to the end of the Question.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. BAILLIE said, the right hon. Gentleman the Chancellor of the Exchequer had stated the case very correctly. It was an accusation against the Duke of Newcastle, and had nothing whatever to do with Mr. Stonor or his case. If Mr. Stonor had been ill-used, it was by the Government, rather than by any Member of that House. The Chancellor of the Exchequer objected to the language used by the hon. Member for Mayo; a second hon. Gentleman thought the hon. Member (Mr. Moore) had done more harm to himself than to Mr. Stonor; and a third was of opinion that the language used was derogatory to the House. ["Hear, hear!"] Did hon. Members who cried "Hear," remember the cheers with which they hounded on the hon. and learned Gentleman the Attorney General when he spoke for a conviction against the right hon. Member for North Essex (Mr. Beresford). It might be very convenient to forget that now; it might be very convenient to hunt even to death a humble Member of that House, and to be very mealy-mouthed when the conduct of a man in an exalted position was called in question. A great writer—Mr. Carlyle—had told us that we lived in an age of flunkeyism and shams; and if this assembly, after its loudly-expressed determination to put down bribery and corruption, should pass over such a case as that now brought before it, the country would see that in the House of Commons, at least, flunkeyism and shams were triumphant.

Mr. STUART WORTLEY said, he must appeal to the hon. Member for West Surrey (Mr. Drummond) not to give the House the trouble of dividing on this question. He entirely agreed with that hon. Gentleman in the view which he took of the Motion of the hon. Member for Mayo. He fully concurred with him in condemning that Motion, and the spirit which had animated its introduction. But he believed that this question had now arrived at such a stage that it would be unjust to refuse the appointment of the proposed Committee. He felt that the case of Mr. Stonor was one of the greatest cruelty. He believed that that gentleman had been dealt with in a manner that entitled him to every sympathy which that House could show to him. And he believed that the hon. Member for Mayo, whatever might be his motives, had placed himself in a position that would not be envied by the humblest Member in the House. It was the bounden duty of the House to give Mr. Stonor the only redress which was left to him—that of an inquiry into the charges brought against him. He would not attempt to impugn the decision of the Sligo Election Committee, and he quite agreed with the distinction taken by the hon. Member for Ennis (Mr. J. D. Fitzgerald), that the decision of an Election Committee was conclusive as to the merits of the election; but God forbid that the time should ever come when the decision of a Committee of that House should be held to be conclusive as to the guilt or innocence of any party in this country. Why, what was the meaning of giving instructions to the Attorney General to prosecute for bribery if an Election Committee was the tribunal for deciding whether the party was guilty or innocent of such a charge? He (Mr. S. Wortley), therefore, could not accept the decision of the Committee as decisive of Mr. Stonor's guilt. After looking at the evidence laid before the Committee, and considering the divisions in that Committee, he must say that it was extremely doubtful whether or not Mr. Stonor was guilty of bribery. At all events, it was unfortunate that the only evidence on which the Committee had found Mr. Stonor to be guilty of bribery did not appear upon the face of their proceedings. Under these circumstances, he sincerely hoped that an opportunity would be afforded for ascertaining whether or not Mr. Stonor was to be excluded from the practice of his profession. He had no acquaintance with Mr. Stonor, and had never seen him, to his knowledge, in his life; but he had heard from many friends whom he esteemed that Mr. Stonor was fully competent for the office to which he had been appointed. It would, then, be the greatest cruelty to condemn that gentleman without affording him an opportunity for redress. The fact that Mr. Stonor had sent in the Report of the Committee to the Colonial Office, together with his testimonials, showed that he was ready to meet an inquiry. He (Mr. S. Wortley) believed it would be found that Mr. Stonor was appointed by a gentleman altogether removed from politics, and his recommendation made it perfectly ludicrous to inquire into Mr. Stonor's fitness for the office. He (Mr. S. Wortley) regretted the hasty manner in which the Government had determined to withhold their ratification of Mr. Stonor's appointment, and he trusted that the result of the inquiries of the proposed Committee would be a resolution by the Government not to take so harsh a step. He should rejoice if the Committee's inquiries would relieve the House from the danger of inflicting a deep injustice upon a gentleman who, amongst many persons, enjoyed a high reputation.

MR. WHITESIDE said, that on the part of the Bar, he must dissent from the opinions expressed by the right hon. and learned Gentleman who had just sat down. He regretted that Mr. Stonor was placed in his present painful position. He had no enmity to Mr. Stonor; he knew nothing of the facts except from the evidence as read by the hon. Member for Mayo. By the law as it stood in Ireland, no English barrister could act professionally at an election; but Mr. Stonor appears to have involved himself, not once, but twice or thrice, in discreditable election squabbles in Sligo, and in the end had been pointed out by name in a discreditable manner by a Committee of that House. Surely the right hon. and learned Member for Bute, who was an ornament to his profession, and who so adorned the judicial bench, would not say that that was the road which ought to lead a man at the Bar to honour and distinction. He certainly regretted that Mr. Stonor had been made a Judge. If he had been appointed to some other situation, perhaps the appointment would not have been noticed. He had to remind the right hon. and learned Gentleman (Mr. S. Wortley) that the pride of England was in its pure administration of justice, in which respect no country in Europe could be compared with it. If once they made an appointment of this sort without inquiry, the exception might soon become the rule, and they might live to see the Bench filled by men, not of learning, honour, and integrity, but by men—he did not say Mr. Stonor was one—who were only distinguished for their zeal in the work of corruption. If the hon. Under Secretary of the Colonies could state that he had received the testimonials, and, having heard something of Mr. Stonor, that he had inquired into the accusations against him, and had satisfied himself that they were not sustained by facts, then he could conceive the justice of the Amendment. But he had understood the hon. Gentleman to say that he had not read the testimonials. If the documents in question make out a case for Mr. Stonor, then he must consider that gentleman as hardly used. He nevertheless, lamented that it was possible for a man to be appointed to a responsible situation in any part of the empire without the most careful scrutiny into his conduct and qualifications.

Mr. GRANVILLE VERNON said, he should support the Amendment of the hon. Member for West Surrey (Mr. Drummond), as he thought no case had been made out for inquiry, while he had already listened long enough in one Committee to scandal and vile pettifogging assertions not to wish to see a repetition of similar scenes in another. The hon. Gentleman the Member for Mayo (Mr. Moore) told them that he was no lawyer, but though he might not be in the profession, he had got into all the animus of the lowest kind of Old Bailey lawyers. He had been likened already to a four-footed animal of one description, but it appeared to him (M. Vernon) that he was more like the four-footed animal that returned to his vomit. [*Cries of* "Order, order!"] Animated by a feeling of friendship for the noble Duke, whom the hon. Member had so unjustly attacked, it was impossible for him to speak in the terms that he might wish to use; but he would content himself with saying that, although he felt deeply for the situation of Mr. Stonor, he was yet bound by a sense of public duty to support the Amendment of the hon. Member for West Surrey.

Mr. LUCAS said, that although hon. Members opposite had said a great deal about the language which had been used by the hon. Gentleman who had brought forward this Motion, and by other hon. Members on that side of the House, he could not at present recognise anything in the tone with which such hon. Gentlemen had spoken in any way to mitigate such freedom of speech. He considered the language of the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald) quite as intemperate, if not more so, as that of the hon. Member for Mayo (Mr. Moore). The right hon. Gentleman the Chancellor of the Exchequer told them it was very wrong and very unparliamentary not to be satisfied with the statement made by the hon. Gentleman the Under Secretary for the Colonies; but they did not impugn the veracity of that hon. Gentleman, as the statement made by him was not founded on facts within his own knowledge. The Chancellor of the Exchequer had rebuked them in the loftiest terms of his austere indignation; but when the hon. and learned Member for Ennis pronounced a studied and intentional invective on his (Mr. Lucas') hon. Friend (Mr. Moore), there was no sign of indignation on the part of those who had cheered the Chancellor of the Exchequer. He had not much experience in discussions of this kind; his first experience was the speech of the hon. and learned Attorney General last year against the late Secretary at War. He considered that as a model of a peculiar kind of eloquence, which, while professing the utmost candour, inflicted the severest and most deadly blows. With respect to this inquiry, he felt bound to say that he knew nothing of Mr. Stonor, although he knew many of that gentleman's friends, and he had no desire in any way to inflict an injury upon him; but he had no notion of allowing hon. Members opposite to support a system of corruption under pretence of generously supporting a fallen man. He was not at all surprised at the speech of the hon. Member for West Surrey (Mr. Drummond), which he considered merely carried out the memorable doctrines enunciated in the speech of that hon. Member last Session, in which he described that House as a great bazaar of places and corruption, of which he (Mr. Drummond) regretted there was not more. It was all very well for hon. Members opposite, now they were in power, to set themselves against these inquiries into corrupt practices; but when such hon. Members were on the Opposition side of the House, and sat upon those dark and dismal benches, they were the first to come forward to suggest what they were now so particularly anxious to avoid. Their press showed no spirit of fairness, no regard for private character; nothing was sacred from their attack, even when the subject-matter was pending for trial in the courts of law. Committees were called for in language as violent and as personal as any used to-night, when it was thought that the interests of their party could be served by hunting up any case of corruption in the distribution of the good things of the Treasury. With regard to what the hon. Member for Newark (Mr. Vernon) had said of the Duke of Newcastle, he did not understand that there was the slightest intention on the part of his hon. Friend to impute—["Oh, oh!"] Why, the hon. Gentleman's indignation was so strong that it evaporated before he finished his sentence—before the hon. Member could know what he was going to say. His hon. Friend (Mr. Moore) had not the slightest intention to impute personal unveracity to the Duke of Newcastle. There was no such word on his lip and no such intention in his mind. The case was, however, curious and extraordinary. A gentleman who had been engaged in the management of election affairs in the most corrupt borough in Ireland for a series of years, handed over the corrupt election interest in that borough from those in whose service he had passed the greater part of his public career in connection with the borough to a junior Lord of the Treasury, and almost immediately afterwards he was appointed to a judgeship in the Colonies. The answer of the Duke of Newcastle to this allegation was, that he was not acquainted with the circumstances; and if the noble Duke, or the hon. Gentleman on the opposite benches (Mr. F. Peel), gave an assurance, on the honour of an English gentleman, that the Duke of Newcastle knew nothing of the circumstances, he (Mr. Lucas) would be quite ready to accept that assurance. He was sure, also, that his hon. Friend the Member for Mayo would be satisfied with such an assurance. But it was not only into the conduct of the Duke of Newcastle in this business that an inquiry was demanded. Mr. Stonor sent in a bundle of papers of recommendation, which were not read or opened. Now, Mr. Stonor must have been appointed on some recommendation, and the question was, on what recommendation, and by what influence he obtained the appointment? He (Mr. Lucas) was aware that it would be very difficult to get at the real facts of this case, but they knew that there was a corrupt system connected with the present Government which was most unsatisfactory to the public of Ireland. The case of Mr. Gore Jones had been referred to more than once. What were the circumstances of that case? Mr. Gore Jones—as he had seen it stated in the newspapers, upon authority that appeared to come from the other (the Ministerial) side of the House—was a Conservative barrister; he was the editor of a Conservative journal in Sligo; he had been, during the greater part of his career, an active politician on the Conservative side, and all his connections, and all his means of life, as he (Mr. Lucas) understood, were bound up with the Conservative party. This gentleman, however, by some process or other, all of a sudden made himself over to a Lord of the Treasury; he passed from one camp to the other at an advanced period of his life, and so great, so flagrant, so open, and so notorious was the change in his politics and public position that he was completely ruined. It was, therefore, necessary to patch up his fortunes, and it was said that the present hon. Member for Sligo, a late junior Lord of the Treasury, recommended Mr. Gore Jones for an appointment as collector of income tax in Ireland, in order to compensate him for the loss he had sustained. Here, then, was a man rewarded for political services, and apparently for nothing else, by being placed in a position which enabled him to exercise a sort of inquisition as to the private fortunes and circumstances of every gentleman within his district. He (Mr. Lucas) had heard of other appointments which, in his opinion, were many degrees worse than that of Mr. Gore Jones. But here was a man who must entertain strong political feelings and animosities, and whose previous career had rendered him distasteful to one-half of the community, placed in a position which gave him full knowledge of the private circumstances of those to whom he had been acting in hostility. He (Mr. Lucas) had always understood that in England the appointments connected with the income tax had, as far as possible, been free from all political bias. In Ireland, however, a tax was imposed which was not only odious, but which Irish gentlemen thought was unjust; and, instead of endeavouring to soften the application of that tax, the Government endeavoured to render it yet more odious by selecting the instruments of its assessment and collection from the worst partisans of faction. He thought, then, when they saw a wholesale system of mal-appointments of this kind, that a Parliamentary investigation was necessary. He considered that his hon. Friend the Member for Mayo had been very unfairly attacked for the course he had taken, in which he had only followed the precedents set by hon. Gentlemen opposite when they were in Opposition. He conceived that his hon. Friend had laid before the House a *primâ facie* case very much stronger than that which led the House to grant a Committee of Inquiry of a somewhat similar kind fifteen months ago, on the Motion of the present Attorney General.

Mr. FREDERICK PEEL said, he did not wish to prolong this discussion, but he could not agree with the hon. Gentleman who had just sat down, that the strong language which was used by his side of the House with regard to the course pursued by the hon. Member for Mayo was not fully justified by the language of the hon. Member himself. The speech of the hon. Gentleman, he considered, was altogether irrelevant to the question, and was replete with matters which had no bearing on the question before the House. The hon. Gentleman had given them a full detail with regard to the political and election transactions in which Mr. Stonor had at different times been engaged. He appeared to have collected them with laborious research, but they had no bearing on the position of the Government with regard to this appointment, unless he meant to maintain, which he had not done, that these were matters of public notoriety, and known to the Government when the appointment was made. He might add, that if the hon. Gentleman had been actuated by a desire to uphold the character of public men and the interests of public morality, knowing, as he did know, that the Government were willing to concede the appointment of this Committee, he would have abstained from assuming as facts, statements which were to be sifted by the Committee. The charge of the hon. Gentleman was, that the appointment of Mr. Stonor was not made by the Government in ignorance, but in consequence of a corrupt bargain—that Mr. Stonor received his appointment in consequence of his having transferred to an hon. Member of that House the influence he had obtained in Sligo. Now, that statement of the hon. Gentleman he met with the most peremptory and unqualified contradiction. He contradicted it on his own behalf from his own knowledge—he contradicted it, so far as the Duke of Newcastle was concerned, upon that nobleman's authority. With regard to Mr. Stonor himself, he admitted that the case was a hard one. He had made that statement before; but the hon. Gentleman opposite would not believe that he spoke his own sentiments; he said that he was the mouthpiece of certain Irish Members of that House; that he got his lesson from them. That was not the case. He spoke what he felt himself. It was impossible to deny that the Committee on the Sligo election was divided in opinion—it was undoubted that their opinion was formed on an *ex parte* statement of the case, when Mr. Stonor had no opportunity of being examined before the Committee, nor was aware that the Committee were about to come to a resolution against him; and further, that the letter on which the charge was founded was not on the minutes of the Committee. But when he made that statement before, how was he answered? The Chairman of the Committee came forward and said that the case against Mr. Stonor was complete, and that he was never more confident of any decision in his life than in that case. If that were so, and the Committee had come to the conclusion that there was that amount of culpability on the part of Mr. Stonor, he had no hesitation in saying that it was the duty of the Government to support their decision, and not to press his appointment upon the people of Victoria, who were naturally jealous of the character of all appointments made to their colony. He would not now go into the ground of that appointment. He would leave the inquiry in the hands of the Committee, feeling sure that that inquiry would show that the statement he had made was correct, and that the counter-statement was unfounded and directly the reverse of the truth.

Mr. T. DUNCOMBE said, it was very seldom he felt justified in voting against inquiries instituted by that House, but, when he did vote for inquiry, he liked such inquiry to be full and complete. He wished to know, however, how the inquiry now proposed could possibly be complete without the presence of Mr. Stonor? Some hon. Gentlemen said they would vote for the inquiry in justice to Mr. Stonor, but Mr. Stonor would not be heard before the Committee. Who was to appear before the Committee on behalf of that gentleman? The Duke of Newcastle might, if he thought it necessary, go before the Committee, and, at all events, he would be represented there, but the noble Duke and the hon. Member for Bury (Mr. F. Peel) had met the imputation of corrupt motives with the most absolute denial as English gentlemen. The hon. Member for Mayo (Mr. Moore) said that if the Duke of Newcastle and the hon. Member for Bury would state in their places that they had not been actuated by corrupt motives, he and his friends would be satisfied. Why, that satisfaction had been given to the hon. Gentleman already. Confessedly, through negligence on the part of the Colonial Office, the testimonials which had been sent in by Mr. Stonor had been overlooked; if they had been seen, his appointment would not have taken place. The Colonial Office had, however, rescinded the appointment. He believed an order had been sent out that Mr. Stonor should not be appointed by the Governor of Victoria, and when Mr. Stonor returned to England his first act would doubtless be to demand an inquiry into the base imputations which had been directed against him by the hon. Member for Mayo. He (Mr. Duncombe) certainly never heard any absent individual attacked as Mr. Stonor had been by the hon. Gentleman. The hon. Member said, he only wanted an inquiry into the conduct of the Colonial Office; but Mr. Stonor might complain, with reason, that great injustice was done him by appointing this Committee when there was no one to appear on his behalf. He (Mr. Duncombe) conceived that if a Committee was to be appointed, they ought, at all events, to wait until Mr. Stonor arrived in England, in order that the investigation might be complete. He knew that there was a very strong, and, he believed, a very just feeling on the public mind, that Mr. Stonor had been most unfairly and most unjustly used; and if this Committee were appointed in Mr. Stonor's absence, the public would come to another conclusion, namely, that the House of Commons was adding injury to injustice, by instituting, behind his back, an inquiry which might result in a decision adverse to his interests and to his honour as a gentleman. He would, therefore, vote against the inquiry.

MR. ROEBUCK said, the hon. Member for Meath (Mr. Lucas) had brought forward various questions which had no relevancy to the point at issue, while the real question before the House had been forgotten. The hon. Member for Mayo (Mr. Moore) had brought forward a distinct charge against the Colonial Office, and that charge it was the duty of the House to inquire into. The charge was this: that Mr. Stonor had been appointed to a judicial office in one of the Colonies, not in spite of, but in consequence of, his corrupt conduct; and when the hon. Gentleman the Under Secretary for the Colonies made a statement to explain how the appointment occurred, the hon. Member for Mayo said, "I don't believe that story." There was no circumlocution, no softening of the phrase; his words were, "I don't believe the story." The imputations, then, were, first, a charge of corruption against the Duke of Newcastle; and next, a charge of falsehood against the hon. Gentleman the Under Secretary for the Colonies; and these two charges it was the paramount duty of that House to inquire into. He would admit it was a hardship, and, to a certain extent, an injustice to Mr. Stonor, that these charges should be inquired into in his absence; but it was a necessary evil. He thought that an immediate inquiry was necessary. Let them fairly understand the question before the House. He did not wish to press hard upon Mr. Stonor, upon the hon. Member for Mayo or any one; but he did wish that the House should understand the question before it. The hon. Member for Mayo thought he had discovered a case of corruption on the part of the Government, and he brought forward a particular instance. He went into a number of other cases, but those they had no opportunity of inquiring into; but this particular case which he had brought forward it was the duty of that House, without hesitation, to inquire into, for if a Minister of the Crown was guilty of appointing a man from corrupt motives to an important office in one of the Colonies, then there was no hope of justice being done either in the Colonies or in this country. He would not occupy the attention of the House further, except to say that he would vote for the appointment of the Committee as amended by the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald), for he agreed with that hon. and learned Member, that there was a distinction to be drawn between the findings of an Election Committee—that their decisions were to be held as conclusive with regard to the objects for which they were appointed, but not with regard to personal character.

MR. SIDNEY HERBERT said, he would not have troubled the House with any observations after the eloquent and conclusive speech of the hon. and learned Gentleman who had just sat down, had it not been for his concluding remarks. He was sure the House would feel that this debate had already been sufficiently protracted; and further, he would remind the House that when Gentlemen were led, in questions of this kind, to paint each other in such black colours as had been done tonight, the public, who did not make the same allowances that were made here, would be but too apt to believe both sides. He wished to refer, however, for a few moments, to the Amendment moved by the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald). The hon. Member for Finsbury (Mr. T. Duncombe) said he would not vote for the inquiry at all, because it was unfair to try Mr. Stonor in his absence. But the hon. and learned Member for Sheffield (Mr. Roebuck) said he would vote for the inquiry as limited by the Amendment of the hon. and learned Member for Ennis, though he admitted there was a disadvantage in trying Mr. Stonor in his absence. Now, in his (Mr. Herbert's) opinion, there was this further disadvantage in the Amendment, that it would not be a fair trial of the allegations brought against his noble Friend the Duke of Newcastle. The hon. Member for Mayo said he did not attack Mr. Stonor—that was a mere episode in his speech—his boast was that he attacked the lofty and the exalted; and he brought this charge against the Duke of Newcastle, that he had appointed Mr. Stonor, not "in spite of," but "in consequence of," his corrupt conduct. That charge was fairly given in the words of the Motion, which were:—

> "That a Select Committee be appointed to take into consideration the case of the appointment of Henry Stonor to the office of a Judge in the colony of Victoria, the said Henry Stonor having been reported by a Committee of this House to have been guilty of bribery at the election for the borough of Sligo in 1853."

Of course, if that had not been the Report of the Committee, there would have been no allegation against the Duke of Newcastle. But if they omitted that part of the Motion, and if they omitted it for the express purpose of entering into the question whether the Committee had done right in making such a Report, then they sunk the charge against the Duke of Newcastle, and merely made it a charge against Mr. Stonor. Against that, he, as the Friend of the Duke of Newcastle, distinctly entered his protest, because he wanted to have the charge against the Duke fairly tried. Besides, he thought there was great weight in the observations of the hon. Member for Finsbury, that if they adopted the Amendment of the hon. and learned Member for Ennis, they would be trying Mr. Stonor in his absence. There would be no one to appear for him; perhaps no one was so well acquainted with the facts of the case as Mr. Stonor himself, or even if there were, it was most probable the parties would not have an accurate recollection of the details of such a circumstance. For these reasons he would say, therefore, do not attempt to alter the Motion, and convert an inquiry into a charge made against the Duke of Newcastle into an inquiry into a charge made against Mr. Stonor. He admitted, as everybody did, that the case against Mr. Stonor was a very hard one. He had had the most frank communications with the Duke of Newcastle, such as might pass between men who have been long intimate, and the noble Duke being a man of warm and generous temperament, he knew that that which had given him the most pain through the whole of these transactions was the unwitting and the unintentional injury he had inflicted on Mr. Stonor. At the same time, he was not sure that the House would not be doing that gentleman an additional injury in forcing forward this inquiry in his absence, when he might perhaps be in the possession of documents or other evidence, which, if produced, would completely exonerate him. Therefore, as interested for the Duke of Newcastle, he entreated the hon. and learned Member for West Surrey (Mr. Drummond) not to press his Amendment, and he hoped that hon. Gentlemen on both sides of the House, who were anxious for the vindication of the character of the Duke of Newcastle, would not vote for the Amendment of the hon. Member, but would give his noble Friend the opportunity of stating fully, fairly, and explicitly the circumstances of the case before a Committee to be appointed by the Committee of Selection, who should give a verdict one way or the other upon the facts and merits of the charge.

MR. G. H. MOORE, in reply, said, he must remark that the Chancellor of the Exchequer had begun his speech by a serious reprimand to him (Mr. Moore) for the vehemence of language which he had displayed. Instead of reading him a lecture, the right hon. Gentleman should have set him an example; for there was nothing in the tone in which the right hon. Gentleman usually addressed the House which entitled him to lecture others for vehemence. The right hon. Gentleman had noticed very slightly the arguments upon which he (Mr. Moore) founded this Motion, and whenever he had done so had invariably misrepresented them. The right hon. Gentleman made him say, that he was willing to abandon the case if certain Members of the Government resigned. His observation upon that point was, that Mr. Stonor could not remain in his position; but that, in removing him, justice would not be satisfied. Those who appointed him must be equally visited. The right hon. Gentleman had also said, that he (Mr. Moore) had not given due notice of the charges he intended to make. It appeared that the very words quoted by the right hon. Gentleman, as forming the *gravamen* of the charges, were used by him *verbatim et literatim* on a former evening, when he gave hon. Gentlemen opposite notice of the charges he intended to make. Another misrepresentation of his statements had been made by the hon. and learned

Member for Ennis (Mr. J. D. Fitzgerald), who said he had accused Mr. Gore Jones of taking a retainer to betray his client. What he said was, that he believed upon the petition in which Mr. Gore Jones was employed by Mr. Somers, Mr. Townely was unseated chiefly by the exertions of Mr. Gore Jones. He had also said that he had heard that during those negotiations Mr. Gore Jones took a retainer from the present Member for Sligo (Mr. John Sadlier) to prosecute against his then client the election contest that must arise from the result of the petition. He also conceived that he had been misrepresented in another matter. Nothing, he could assure the House, was further from his intention, when he said he did not believe the story, than to imply that the noble Duke the Secretary of State for the Colonies would be guilty of saying that which he knew to be untrue. What he had said was, that he did not believe the story put forward by the Colonial Office to be the whole truth. The right hon. and learned Member for Buteshire (Mr. S. Wortley) had borne out that statement. The explanation of the Colonial Office was, that Mr. Stonor had been appointed from his own letter and the recitals in his letters. The right hon. and learned Member for Buteshire said he was appointed on quite different grounds—that a gentleman of the highest distinction had *vivâ voce* recommended him, and in consequence of that it was he was appointed. When he (Mr. Moore) said that Mr. Stonor was appointed in consequence of his corrupt practices, he did not say that the Duke of Newcastle had appointed him on that account. He believed the noble Duke was not aware of those corrupt practices when he appointed Mr. Stonor, but he believed that those who had the ear of the Duke—those who were known to have the ear of the Duke, or, if not, his Grace was much belied—they were aware of the corrupt practices. He said hon. Gentlemen on those (the Ministerial) benches were those who made the appointment, as stated in the hon. Gentleman's (Mr. Peel's) speech. He believed they were aware of this report against Mr. Stonor. These were the charges he had made, and still made. As to the observation of the right hon. Gentleman (the Chancellor of the Exchequer), that he (Mr. Moore) was deeply responsible, and must justify the charges he had made, he could only say he thought he had justified them. He had shown reasons which would induce any one to believe that the statement of the Colonial Office did not contain the whole truth. The right hon. and learned Member for Buteshire said it did not; and on that fact he (Mr. Moore) stood. He still asserted that those who obtained the appointment were aware of the corrupt practices of Mr. Stonor, and they would never have got him the appointment if he had not been guilty of them. If Mr. Stonor had stuck to his profession, like an honest man, he might have wasted his sweetness on the desert air of Boswell Court for a century, if he lived as long, and no Irish corruptionist would have exerted himself to advance his prospects, or ever have whispered his name to the Duke of Newcastle. Through such influence he was appointed, and against those who obtained the appointment he (Mr. Moore) made the charge.

MR. DRUMMOND said, that it had been observed that in the Post Office nobody spoke English, but that all spoke *Galwegian.* Now, it must be from some such circumstance as that in the case of the House of Commons that he was utterly unable to understand how it was that the speeches of hon. Members who supported the Motion were entirely contradictory of one another. There was, perhaps, a meaning in those speeches, but it was his misfortune that he could not comprehend it. Be that, however, as it might, he must say that the Committee, if appointed, must fail to meet the view of any of those Gentlemen who were so anxious for its nomination. Under those circumstances, therefore, he should ask the House to negative the Motion.

MR. J. D. FITZGERALD said, he would not press his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put.

The House *divided* :—Ayes 115; Noes 37: Majority 78.

List of the AYES.

A'Court, C. H. W.
Arbuthnott, hon. Gen.
Baillie, H. J.
Baines, rt. hon. M. T.
Ball, J.
Bass, M. T.
Bateson, T.
Beamish, F. B.
Bell, J.
Bentinck, G. W. P.
Berkeley, C. L. G.
Bethell, Sir R.
Bland, L. H.
Brocklehurst, J.
Bruce, Lord E.
Buckley, Gen.
Butt, I.
Cardwell, rt. hon. E.
Chambers, M.
Child, S.
Coote, Sir C. H.
Dashwood, Sir G. H.
Deedes, W.
Disraeli, rt. hon. B.
Drumlanrig, Visct.
Dunne, Col.
Elcho, Lord
Fagan, W.
Fellowes, E.
Ferguson, J.
FitzGerald, Sir J.
Fitzgerald, J. D.

Fitzroy, hon. H.
Forster, C.
Fortescue, C. S.
Frewen, C. H.
Gardner, R.
George, J.
Goddard, A. L.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Greville, Col. F.
Grogan, E.
Gwyn, H.
Hadfield, G.
Hall, Sir B.
Hamilton, G. A.
Hawkins, W. W.
Hayter, rt. hon. W. G.
Heard, J. I.
Heneage, G. F.
Herbert, rt. hon. S.
Hervey, Lord A.
Hughes, W. B.
Keating, R.
Kennedy, T.
King, J. K.
Lacon, Sir E.
Langton, H. G.
Locke, J.
Lockhart, W.
Loveden, P.
Luce, T.
MacGregor, J.
Maguire, J. F.
Malins, R.
Masterman, J.
Meagher, T.
Milligan, R.
Milner, W. M. E.
Michell, W.
Moncreiff, J.
Monsell, W.
Moody, C. A.
Mulgrave, Earl of
Muntz, G. F.
Murrough, J. P.
Napier, rt. hon. J.
Norreys, Sir D. J.
Oakes, J. H. P.
O'Connell, D.
Packe, C. W.
Paget, Lord A.
Peel, F.
Pellatt, A.
Pinney, W.
Pollard-Urquhart, W.
Power, N.
Pritchard, J.
Pugh, D.
Richardson, J. J.
Robertson, P. F.
Roebuck, J. A.
Rolt, P.
Sadleir, J.
Sandars, G.
Scobell, Capt.
Scully, F.
Scully, V.
Seymer, H. K.
Seymour, H. D.
Spooner, R.
Sutton, J. H. M.
Swift, R.
Thicknesse, R. A.
Thompson, G.
Vance, J.
Walmsley, Sir J.
West, F. R.
Whiteside, J.
Whitmore, H.
Wilkinson, W. A.
Williams, W.
Winnington, Sir T. E.
Young, rt. hon. Sir J.

TELLERS.

Moore, G. H.
Lucas, F.

List of the NOES.

Barnes, T.
Blackett, J. F. B.
Bright, J.
Brotherton, J.
Brown, W.
Butler, C. S.
Castlerosse, Visct.
Challis, Mr. Ald.
Chambers, T.
Crook, J.
Denison, E.
Duff, J.
Duncan, G.
Dundas, F.
Dunlop, A. M.
Du Pre, C. G.
Evelyn, W. J.
Goodman, Sir G.
Herbert, H. A.
Hindley, C.
Howard, Lord E.
Johnstone, J.
King, hon. P. J. L.
Kirk, W.
Massey, W. N.
O'Brien, C.
O'Connell, J.
Parker, R. T.
Phillimore, R. J.
Rushout, Col.
Russell, F. W.
Seymour, W. D.
Shee, W.
Smith, J. A.
Thornely, T.
Vernon, G. E. H.
Willcox, B. M.

TELLERS.

Drummond, H.
Duncombe, T. S.

On MR. SPEAKER putting the question, that the Committee be nominated by the Committee of Selection,

MR. J. O'CONNELL rose and said, he would detain the House but a very few minutes upon a matter entirely of a personal nature. In the late division he had had the misfortune to vote contrary to the way in which he intended. Being a new Member in that House, he was unacquainted with the arrangement of the lobbies, and he went the wrong way, and voted contrary to his intention. [*Laughter.*] This might be a light matter in England; it would, however, have some importance in Ireland, for it would be talked about there, and he wished to put himself right. So long as certain Gentlemen opposite pursued the course they did, and, for certain purposes of their own, led away a portion of the popular sentiment in that country, they might represent or misrepresent anything concerning himself just as they chose; he should pursue his own course, both in that House and in Ireland, independently of their censures. He had intended to have voted for the Committee, not from any idea at all of the justice of its being granted at the present moment, but merely to give the parties he referred to the fullest opportunity of proving, if they could, any of the statements which they were continually making in order to run down public and private character in every possible manner. If reports were true, a certain Committee now sitting would furnish some test of the value of the attacks which Gentlemen opposite were making upon public men. Assertions had been made in that Committee quite as boldly and as confidently as any made to-night; but, if reports were true, it had been found, when those assertions came to be investigated in a calm and searching inquiry, there had been an amount of evasion, an amount of miserable shiftings to and fro of responsibility from one to another, which was certainly not creditable to the characters of the Gentlemen who so broadly broached them in the face of the House. He thought it necessary and right to make this statement. It was true he might have to meet these Gentlemen in Ireland, and he would not shrink from saying that then which he now asserted in the House of Commons. He was ready to make just the same declaration in Ireland that he was making now, and he would add this much, that it was not creditable for hon. Members to come forward in this way, especially when they had gained their point of running down an unhappy gentleman, who, though he might have done wrong, had been severely punished in his absence, when he had not an opportunity of being heard in his own defence. It was not creditable, he repeated, in them to endeavour to mystify the subject with a cloud of accusations, which upon inquiry would be found as baseless as the accusations of which he had just spoken.

MR. BAILLIE said, that the right hon. Gentleman the Chancellor of the Exchequer had suggested that the inquiry should be rather more extensive than the terms of the Motion; and therefore he wished to know whether it would be advisable that the other cases to which allusion had been made should not be included.

MR. SIDNEY HERBERT said, he must explain that his right hon. Friend the Chancellor of the Exchequer had said that if there were allegations brought forward, implicating the names of other gentlemen, it would be open to any hon. Member to make a Motion to include them, and that the Government would offer every facility to such a Motion.

MR. V. SCULLY said, he would suggest that very great facilities might be obtained by referring the subject to the Committee of Complaint now sitting.

Motion *agreed to.*

Ordered,

"That it be an Instruction to the General Committee of Elections to appoint the said Committee, and that such Committee consist of Five Members."

REGISTRATION OF BIRTHS, ETC. (SCOTLAND).

LORD ELCHO said, he rose to move for leave to bring in a Bill to provide for the better Registration of Births, Deaths, and Marriages in Scotland. It would be unnecessary for him to dwell on the importance of the subject, or to point out how essential it was that a country, claiming to rank amongst the civilised nations of the globe, should be in possession of an accurate register of the births, deaths, and marriages of its people. He would merely, therefore, explain to the House as briefly and clearly as he could what was the present system of registration in Scotland, what attempts had been made to remedy its deficiencies, and what were the general provisions of the measure he sought to introduce. The present system of registration in Scotland would be admitted by all who were acquainted with it to be extremely defective, and as existing in name rather than in reality; for it was not a system of registration of births, marriages, and deaths, as understood in this country, but an ecclesiastical custom of recording births, burials, and the proclamations of banns. He held in his hand a return which had been moved for by Viscount Melgund, and prepared by Mr. Brodie, the Crown agent, of the number of births, of deaths, and of marriages registered in each parish of each county in Scotland, in each year since the 31st day of December, 1841, and the scale of fees established in each parish for such registrations. To this return Mr. Brodie had appended these remarks:—

"It may be proper to mention that they almost universally explain—1. That, there being no register of births, the column headed 'Births' embraces baptisms merely, and of these only the limited number which are registered. 2. That, there being no register of deaths, the column headed 'Deaths' embraces burials merely, and of these only a very limited number. 3. That, there being no register of marriages, the column headed 'Marriages' embraces only proclamations with a view to marriage. Of course, the number of proclamations affords hardly any criterion of the number of marriages, since on the occasion of each marriage there must generally be proclamation in two parishes, and proclamations must often occur where either no marriage follows or the marriage takes place in a parish different from the parish or parishes in which proclamation is made. 4. As to the scale of fees—(1) the column headed 'Deaths' is not filled up, there being no proper register either of deaths or burials, and consequently no fees charged; and (2) the column headed 'Marriages' is rarely filled up, any fees charged being usually paid with reference to the proclamations."

He had, likewise, with him some statistics which he had been favoured with by Dr. Stark, a gentleman to whom Scotland was much indebted for his researches on this question, showing the number of births, deaths, and marriages registered in each of the counties of Scotland in 1850, with the calculated proportion of these on the Scottish standard—viz. 1 birth in every 31 of the population, 1 death out of every 44 living, and 1 marriage for every 131 souls. On looking to the general result of this return, he found that the population of Scotland, having been, in 1851, 2,870,784, while the number of births registered was only 27,031, the number calculated was 92,605; that, while the number of deaths registered was only 19,587, the number calculated was 65,242; and that, while the number of marriages registered was 23,848, the number calculated was only 21,914, the difference in the latter case arising from the discrepancy between the number of proclamations of banns and the number of marriages actually celebrated. He thought these statistics manifested the imperfect state of the existing registration.

At various times attempts had been made to remedy this defect. In 1834, 1835, and 1837, a gentleman now no more, Mr. Robert Stuart, had brought in Bills on the subject. These Bills were not successful, and did not pass into law; and their failure might be chiefly attributed to the circumstance that the payment of registration fees being thrown upon the parties registering, it was thought to be a great hardship on the poor, and calculated to deter the people from registering. In 1847, 1848, and 1849, Lord Rutherfurd brought in Marriage Registration Bills for Scotland, which likewise failed to become law —a failure that might be attributed mainly, if not entirely, to their unfortunate connection with a proposed alteration of the law of marriage in Scotland which was peculiarly distasteful to the people of that country. Although all these measures had thus failed, there was, so far from any feeling of hostility to the principle now sought to be carried out, an earnest desire on the part of the people of Scotland to have a remedy applied to the existing most defective system of registration—a desire which had been strongly manifested by articles in the public press, and by communications from all parts of Scotland. The Committee of the General Assembly, which had been appointed to inquire into registration, had, on the 30th of May, 1853, thus reported:—

> "Your Committee have taken into consideration the remit of the General Assembly, and have become convinced that no efforts of the Church, through its courts, of the clergy individually, or of the session clerks, could so improve the present registers as to render them equal to the requirements of the public or of science, and they recommend that a petition to both Houses of Parliament should be drawn up and forwarded, praying Government to extend the benefits of registration of births, deaths, and marriages to Scotland, by bringing forward a Bill."

There was, likewise, on the same subject, a memorial, of which he held a copy in his hand, which had been presented to the Lord Advocate from the Lord Provost, magistrates, and town council of Edinburgh, and from which he would read this extract:—

> "No provision has ever yet been made by the Legislature, or otherwise, for a complete register of births, deaths, and marriages in Scotland; and the attention of the town council of Edinburgh having been directed to the subject, they, of this date (Dec. 7, 1853), unanimously resolved that a memorial should be addressed to the Lord Advocate."

It was in deference, therefore, to the wishes of the people of Scotland, thus strongly expressed, that Government had thought it their duty to bring in the Bill of which he would now shortly state the provisions. In the Bill which Lord Rutherfurd had introduced, there was a most complete system of registration devised, but an objection had been taken to it on the ground that the machinery, in its completeness, would entail great expense on the country, and it was conceived that by a different system that expense might be avoided. Warned by the objection so made to Lord Rutherfurd's Bill, an attempt had been made in the measure he proposed to introduce, to combine the utmost degree of efficiency with the utmost degree of economy, and to avail themselves as far as possible, for this purpose, of the machinery which already existed in Scotland, so far as it could be advantageously employed. Central control was deemed essential for the efficiency of a system of registration, and therefore it was proposed, for the purposes of a general registry office, to make use of the existing Register Office in Edinburgh, the deputy clerk registrar being appointed registrar general for the purposes of the Act, with an addition to his present salary of 500*l.* of 300*l.* per annum, and a secretary being likewise appointed with a salary of 300*l.* per annum; and it was hoped that, with the assistance of this secretary, the registrar general would be able to discharge all the additional duties so imposed on him. It was hardly necessary that he should explain to Gentlemen connected with Scotland that the Register Office in Edinburgh was the depository of all the national deeds connected with the property of the country; and, if it were admitted to be necessary that there should be a complete register of births, marriages, and deaths, no more appropriate depository could be found for such a purpose than the office in which the property deeds of the country were placed. The same principle which had led to the selection of the Registry Office in Edinburgh had likewise led them to avail themselves as much as possible of the machinery already existing in county divisions. It was intended that the sheriff of each county should have the general superintendence in that county of the working of the Act—that they should be the superintendent registrars under the Act. The duties thus imposed on them would not be onerous, and would be, in some degree, analogous with the ministerial duties they now performed; it was, therefore, not intended that any increased salary should be given to them on account of these additional duties. It would be recollected that last year a measure had been passed enabling the Treasury to augment the salaries of the sheriffs of Scotland. Acting upon the powers confided to them, the Treasury had, with that happy combination of justice and liberality which characterised all the acts of that department of the State, fixed the salaries of the sheriffs upon so liberal a footing, that he did not think they would be justified in objecting, and he did not believe they would object to undertake the duty imposed upon them by this Bill, without an increase of salary. With regard to the parish registrars, it was proposed that in the first instance the preference should be given to vested interests, there being a clause in the Bill which was not in Lord Rutherfurd's Bill—by which the present system of registration in Scotland was to cease and determine on the 1st of January, 1855, and it was therefore intended to make the present session clerks registrars under the Act. Much might be said on both sides with reference to the appointment of existing session clerks as registrars; but it would be only an act of justice during their lives, where they were fully competent to discharge their duties, and where it should appear to the sheriffs and the registrar general that no valid objection on the ground of competency could be brought against them, that they should be appointed, deriving, however, no vested right from such reappointment, but being liable to removal for misconduct. On the death or removal of the existing holders, it was proposed that the appointment of the parish registrars should rest, in towns with the town council, and in country parishes with the parochial boards, subject to the approval of the sheriff and of the registrar general. With regard to the manner in which the expense was to be met, it was proposed that the expenses of the central office, the salaries of the registrar general, of the secretary, and the charges for providing stationery, books, and everything necessary for registration, should be paid by the Treasury, in defraying which expenses the Treasury would be only doing that which it did in England, and it could not reasonably be expected to do more. With respect to the payment of the parish registrars, following the precedent of Lord Rutherfurd's Bill, it was proposed that those registrars should be paid by fees at the rate of 2*s*. for each entry upon the first twenty names, and 1*s*. afterwards, and that the amount should be raised by assessment. According to the calculations of Lord Rutherfurd on this subject, which he had every reason to believe were correct, the amount of assessment necessary for the payment of the parish registrars would not exceed 10,000*l*. per annum—a very small sum considering the benefit of the measure to the public. Having thus stated the general provisions of the Bill, as to its machinery, he now came to the mode in which he proposed it should work—how notices should be given and entries made. In the case of births, the parents would be bound to give notice, or, in the event of their being unable to do so from death, illness, or other inability, the person having charge of the child, the nurse, or the person occupying the house in which the birth had taken place, would be bound to give the notice; a notice given by any of these parties would exempt the rest from the penalties that would accrue were no notice given. In the case of an illegitimate child the notice would be given by the mother, or, in the event of her death or illness, by the father, the nurse, or the occupier of the house or tenement. The father's name, in such cases, would not have to be inserted on the register without his consent, or unless his paternity had been proved in a court of justice, in which case the clerk of such court would send notice to the registrar, and then the party's name would be inserted. There was also a clause for the legitimisation of such children on the register, when so enabled by the fact of *subsequens matrimonium.* There was likewise a clause by which the certificate of registration was to be produced at the baptism of children, and another requiring children to be brought to the registrar, when he entertained any doubt as to the sex of the child, or of the existence of any attempt otherwise at fraud in the matter. He now came to the registration of deaths. It was proposed that the nearest relative should be bound to give notice, or, in his absence, by reason of illness, or other cause, then the occupier of the house in which the death had occurred—the notice was to be given within eight days. The certificate of the registrar was to be produced at the funeral, and in the absence of such certificate the person officiating would be bound to give notice thereof to the registrar. There would be a marine register kept at Edinburgh, in which all births and deaths at sea would be registered, a copy of the entry being sent from the office to the registrar of the parish to which the person belonged. With respect to marriages, taking warning here also by the failure of Lord Rutherfurd's Bill, it was proposed not to touch or affect the present Marriage Law of Scotland. He did not pretend to say whether the present state of the Marriage Law in Scotland was the best or the worst that could be devised, as it was variously viewed; it was sufficient to know that the people of Scotland regarded with jealousy and suspicion any attempt to interfere with a law to which they were so wedded; and, therefore, no attempt would be made in this Bill to interfere, in any way, with that law. All he hoped to do was, to attain, as far as possible, a register of all marriages which took place in Scotland—regular or irregular, whether by civil contract or by religious ceremony. The proposal, therefore, was, that all persons contracting marriage should register their marriage, either at its solemnisation, or within a month afterwards; that the clergyman and all persons officially connected with the marriage should send notice to the registrar; that the justices of the peace, magistrates, and witnesses before whom regular marriages were contracted should send notice to the registrar; and where persons were fined for irregular marriages, that notice should be sent to the registrar, and entered accordingly, and that the same should take place where the marriage should be declared good by decree of Court. With regard to the mode of making entries, it was proposed that all entries should be made in duplicate, that each entry should be signed by two witnesses, and that at the end of each year the duplicate books should be taken to the county town to be examined by the sheriff, who should certify their accuracy by affixing his signature to them. One of these duplicate copies would then be sent to the registrar general, to be deposited in the Register Office in Edinburgh, and the other copy would be retained in the parish. Indexes would also be kept in the parish and at Edinburgh, to be inspected on the payment of a small fee. In this way an attempt would be made to combine an efficient system of local and general registration, because he looked upon it as essential that there should always be a copy of the parish register for inspection in the parish. These being the general provisions of the Bill, he now came to the question of how these provisions should be enforced. He had already expressed his belief that no system of registration could be complete which was not under some central control, and in the same manner he felt confident that no system of registration could be effective which was not compulsory. He therefore proposed that the provisions of the Act should be enforced by penalties which, it was hoped, would be effective without being onerous; and he hoped that hon. Gentlemen connected with Scotland would not object to making the Act compulsory. He expressed this hope, because although at first sight it might appear a hardship upon the poor, who might be supposed to be ignorant of the value of registration, to compel them to conform to the provisions of this Act, yet it was in reality in the interest of the poor that it should be made compulsory. Those persons who might have had their attention particularly directed to this subject could form but little idea of the enormous sums which were annually dependent, and the succession to which entirely depended upon the accuracy of the parish registers. He had lately been in communication with a gentleman who was for some years rector of Sandon, in the county of Stafford, and who stated that during his period of incumbency, extending only over fifteen years, sums exceeding 40,000*l.* (the parish containing only about 600 inhabitants) were dependent upon the accuracy of the parish registers, and many persons who had succeeded to these large sums of money were persons in the humblest sphere of life. He would, therefore, again express the hope that there would be no objection to making the Bill compulsory. Many provisions of the Act had been adopted from the system which prevailed in France, Belgium, and the Rhenish provinces, where, under the *Code Napoleon,* a most efficient system of registration was in operation. In those countries registration was compulsory, and, so far from being regarded by the poor as a hardship and an evil, it was looked upon as the greatest boon which an enlightened Government could confer upon the people; for while the rich had their title-deeds, their parchments, and their sculptured monuments, there was literally no record of the poor man's birth or death, except the parish register, which might not inaptly be called the charter of the poor man. He trusted, therefore, that the Bill would be made compulsory. He had now stated the provisions of the Bill, or at least its principal provisions. There were many other clauses to which it was unnecessary to allude, but he hoped that every Scotch Member who had the interest of Scotland at heart would, without regard to party, endeavour to perfect in Committee a measure which he believed to be essential for the well-being of Scotland. Should the House kindly permit him to bring in this Bill, he trusted that he might again rely upon their cordial assistance in perfecting the Bill when in Committee. He would, therefore, move for leave to bring in a Bill for amending the registration of births, deaths, and marriages in Scotland.

Mr. DUNLOP said, he must beg to express his great satisfaction at the statement of the noble Lord; he thought the measure was one which, in its general features, would meet with the approbation of Scotchmen. With regard to marriages, he was certainly not so great an admirer of the Scotch system of marriage as to believe that it was not susceptible of some improvement, particularly that persons might know whether they were really married or not. At present, in Scotland, a man might be married and yet be quite ignorant of it, and it was certainly desirable that that state of things should be remedied. He thought, however, that it was quite right not to mix up that subject with this question. The measure, he felt convinced, would, as a whole, give satisfaction in Scotland, and prove a very good and useful one.

Mr. LOCKHART said, he thought the Bill a great improvement upon the former measure upon the subject, which had been before the House, and would promise to give it his best attention when it went into Committee.

Mr. DUNCAN said, that as one of those who had opposed the former Bill upon this subject, he wished to tender his best thanks to the noble Lord for the attention he had bestowed upon the matter. The measure should have his cordial support.

Lord ELCHO said, he had to thank the Members for Scotland for the kind reception they had given to the measure, and he had not the least doubt that with their co-operation the Bill would be made an efficient one. The course he proposed to take was to fix the second reading for the 12th of May, and afterwards to submit it to a Select Committee of Scotch Members, according to the usual practice with regard to Scotch Bills.

Leave *given;* Bill *ordered* to be brought in by Lord Elcho, Viscount Palmerston, and the Lord Advocate.

REAL ESTATE CHARGES BILL.

Mr. LOCKE KING said, he would now beg to move for leave to bring in a Bill "to amend certain rules of law and equity relating to the administration of deceased persons." The object of the Bill was to prevent the heir or devisee of a real estate from claiming the payment of any call or debt out of the personal estate of the deceased testator. In this, he was only seeking to carry out the principle which was laid down by Sir Samuel Romilly with regard to the payment of debts out of real estate. That great man, in a comparatively unenlightened age, got this House repeatedly to assent to the proposal — which, however, was rejected as repeatedly in the House of Lords—that real estate should be made liable to the payment of simple contract debts. Now, he asked that the same principle should be extended to debts which the deceased had incurred by way of mortgage. Cases of great hardship frequently occurred on the death of the head of the family through claims being made upon the personal estate, which repeatedly left the children quite destitute. He had been induced to bring this question before the House by the noble Lord the Member for the City of London, who, when on a former occasion he (Mr. Locke King) had introduced a much larger measure, expressed his opinion that this subject ought to be treated in a separate Bill, which accordingly he had now asked permission to introduce. Another point he wished to include in this Bill was, where the testator had by his will desired that his real estate should be converted into personal estate for the purpose of paying off his debts, that the residue, if there was a residue, should be considered as personalty, and not, as at present, be looked upon as part of the realty.

The SOLICITOR GENERAL said, he hoped that the introduction of this Bill would lead to a discussion which would result in an amendment of the law. The first point to which the hon. Member referred was undoubtedly one of great anomaly, but he could have wished that it had been considered in connection with a much larger subject—namely, the general state of the law with regard to the administration of assets. It was unquestionably connected with what he would term the barbarous and absurd distinction between legal and equitable assets. With regard to the other point to which the hon. Member referred, namely, the effect of a charge in converting real property into personalty, as long as the general law remained what it was that point must be more doubtful; but the subject was one deserving of discussion. He looked for improvement, however, chiefly from the abolition of the distinction between legal justice and equitable justice.

Mr. MALINS said, he would point out the absurd distinction which at present existed between a special debt and a simple contract debt, the preference being given to one piece of paper because it had a seal upon it, and the other had not. If his hon. and learned Friend the Solicitor General would endeavour to do away with this most absurd distinction, he would have his most cordial support.

Mr. LOCKE KING, in reply, said, he had introduced this small measure because he knew, if he had brought in a more extensive one, he would be told that he was dealing with too great a subject.

Leave *given;* Bill *ordered* to be brought in by Mr. Locke King, Mr. Headlam, and Mr. Massey.

Bill read 1°.

EMIGRATION DEPOT (IRELAND).

Mr. I. BUTT said, he rose to bring forward the Resolution relative to the establishment of an Emigration Depôt at one of the Irish ports, of which he had given notice. The subject to which he wished to call the attention of the House was one which he thought involved a very considerable grievance to Irish emigrants. He would state shortly the circumstances which had given rise to his Motion. If he were not able to state particularly, he could assure the House it was not his fault; for on the 2nd of March he had moved for returns to assist him in his Motion, but, in consequence of his asking subsequently for something further, those returns had been unfortunately delayed. He did not, however, blame the Government for that delay. It appeared some time past that a fund had been placed at the disposal of the Colonial Office, by certain parties in the Australian Colonies, for the purpose of promoting free emigration. That sum was very considerable, and was administered under the direction of the Colonial Land and Emigration Commissioners. It was stated that, as far as it was possible, it should be apportioned in this way—one-third of the emigrants were to be sent from England, one-third from Ireland, and one-third from Scotland. He believed that it was found for several past years that these propositions could not be practically carried out, and it was necessary to take from Ireland more than the one-third. Those emigrants received their passages free. They were collected at depôts, which were formed at the expense of this fund, and were there supported until their passages were procured. Now, the grievance of which the Irish complained was this. The Commissioners established three depôts, namely, one at Plymouth, one in London, and one in Liverpool, but there was not one depôt established at an Irish port. The House would see how this system operated, both upon the fund itself and also upon the Irish emigrants. The Commissioners paid the expenses of those emigrants from an Irish port to an English depôt. This was a great expense to the fund, besides an infliction of a great hardship upon the emigrants. Hon. Gentlemen would be surprised to hear—he confessed he was, and could scarcely credit the fact—that in consequence of the bad accommodation provided for those emigrants upon the cross-passage, it often happened that the emigrants endured more hardship in the short passage across the Channel than in their voyage out to Australia. Well, again, there was some encouragement to be given to the Irish trade by establishing a depôt in the country; but he would not rest his case upon that foundation. He submitted that the Commissioners had no right to exclude the Irish from a fair share of those funds. There was a great expense incurred in bringing those emigrants from Ireland, and the system pursued was one calculated to discourage the Irish emigrants. If the same thing were done in another country, it would be said that it was a very Irish way of doing business. They brought an emigrant from Cork to Plymouth, and brought him back again in view of Cork lighthouse at a great and unnecessary expense. He had heard it said that they could not get their ships into Irish ports; but he would say that it was easier to charter a ship from Cork than from an English port. He did not wish to press the Motion to a division, if the hon. Under Secretary for the Colonies would give him an assurance that the subject should be considered by the Government. If it had already been considered by them, and they would accede to the principle, he would be just as much pleased that it came from the Colonial Office as an act of grace, as if it were carried in the shape of a Resolution by that House. Should the hon. Gentleman, however, be unable to give him that assurance, he should feel himself compelled to take the sense of the House with regard to that which was a simple act of justice—first, to the Colonies; and secondly, to the Irish emigrants themselves.

Mr. F. W. RUSSELL seconded the Motion. He said, from his own experience he could bear testimony to the fact mentioned by his hon. and learned Friend who had introduced the Motion, that the passage round the western coast of Ireland to the English port of embarkation, inflicted greater hardship and inconvenience upon the emigrants than the entire voyage to Australia. He saw no reason why an emigrant vessel should not call at the port of Cork as well as at Plymouth.

Motion made, and Question proposed—

"That in the opinion of this House, it is expedient that an Emigration Depôt of the Colonial Land Emigration Commissioners for free Emigration to the Australian Colonies should be established at one of the Irish ports."

Mr. FREDERICK PEEL said, that without reference to the circumstances or grounds that might be urged in support of the reasonableness of the view propounded in the Resolution, it appeared to him that there was an objection to it which had not been adverted to by the hon. and learned Gentleman, and that was, that the subject was one upon which this House could hardly be expected or fairly called on to express an opinion; because it must be remembered that the fund which was administered by the Colonial Land and Emigration Commissioners was the land fund of the Australian Colonies. It was, in fact, the produce of their land sales, which took place under an Act of Parliament, and the proceeds of which were remitted to this country to be appropriated in different ways, but principally to emigration purposes, superintended by the Colonial Land and Emigration Commissioners. The House would observe, therefore, that the Commissioners were in some respects the agents of the Australian Colonies. It was to the Colonies that they were responsible, and were bound to render an account of their acts; and it was the duty of the Commissioners to discharge their functions in this respect in a manner the most economical, and most likely to give satisfaction to the colonists. Standing in this capacity, it was clear that the Commissioners ought to be allowed full discretion; but see the inconvenient and embarrassing situation in which the Commissioners would be placed if that House interfered with that discretion, and said that an emigration depôt should be established at Cork or any other Irish port, and a certain proportion of money belonging to the Australian Colonies expended thereon, without reference to the opinion of the Commissioners whether it would be of advantage or not. With regard to the proposition contained in the Motion, it turned entirely upon the point of expense. If it were cheaper to send Irish emigrants direct from Cork rather than from the depôts at Liverpool or London, they ought certainly to be so sent. There was no indisposition to expend a fair proportion of the land fund upon the removal of Irish emigrants to the Australian Colonies, and he believed that even more than the usual proportion had of late years been expended for the purpose, and that the Irish emigrants had given satisfaction to the colonists. The proposition of the hon. Member was one which turned entirely on the point of expense. Notwithstanding what the hon. and learned Member for Youghal had stated, it must be remembered that the ships which were taken up by the Emigration Commissioners as emigrant vessels were to be found only in those ports whence the Australian trade was carried on; that they must go to London or Liverpool in order to find the ships best fitted, in their opinion, for the conveyance of emigrants. If, therefore, the emigrants were removed from Cork, it would become necessary that a vessel, on leaving either of these ports, should call at Cork for the purpose of there taking the emigrants on board. The hon. Member for Limerick (Mr. F. W. Russell) had stated that there was no good reason why these vessels should not call at Cork as well as at Plymouth. But the hon. Member seemed to forget that Plymouth was in the direct route of vessels leaving London for Australia, whilst Cork was not. The question was, then, should vessels proceed to Cork, or should they receive the emigrants on board at Liverpool? It might seem strange to bring the emigrants to Liverpool instead of taking the ship to them at Cork; but an analogy was furnished in the case of the unassisted emigration from Liverpool, nine-tenths of which consisted exclusively of Irish. The charterers of emigrant vessels gave tickets to the Irish, which paid their expenses across St. George's Channel; and he hardly knew an instance in which those vessels, on leaving Liverpool, called at an Irish port to take passengers on board. Invariably, the Irish emigrants proceeded to Liverpool, and there got on board the vessel. He was willing to allow that the expectation he entertained that the expense of sending the Irish direct from ports in Ireland would be greater than that of sending them from English ports, might prove to be incorrect. There was, therefore, no indisposition to try the experiment of establishing a depôt in some port in Ireland; and the Emigration Commissioners had informed him that they had made application to the Poor Law Commissioners for a building at Cork, formerly used as a lunatic asylum, to be set apart for the purpose. That application had not, however, succeeded, but he believed the Emigration Commissioners were still ready to make the experiment as soon as they could obtain a suitable building. He understood, moreover, that vessels had recently been taken up on such terms as to enable them to call at Cork, or any other place where a depôt might be formed, for the purpose of receiving the emigrants on board.

Mr. VANCE said, he was glad to hear that the hon. Under Secretary for the Colonies admitted the correctness of the proposition conveyed in the Motion of the hon. and learned Member for Youghal. It would be necessary to ascertain, however, in the first place, from what port in Ireland the largest number of emigrants proceeded to Liverpool or elsewhere, and make that the port at which to establish the depôt. He begged leave, then, to put forward the claim of Dublin as the place from which he believed on investigation it would appear the largest number of emigrants embarked for the Colonies.

Mr. V. SCULLY said, he begged to tender his thanks on the part of his constituents to the hon. Under Secretary for the Colonies for the very proper manner in which he had met the Motion. All they had to look at was, what was the best and most economical manner of sending out emigrants, and he believed that Cork was the best port for the emigrants, not only of Ireland, but of the whole United Kingdom to embark at.

Captain SCOBELL said, he wished to remind the hon. and learned Gentleman (Mr. I. Butt) who had brought this subject before the House that there was a Committee sitting to inquire into the subject of emigration, and the question now mooted had been brought partially before them; if, however, any additional evidence could be brought before them, it would meet with the fullest consideration. He did not agree with the opinion that had been expressed that Cork was the best port for emigration from all parts of the United Kingdom, because the ships that sailed to Australia did not carry emigrants alone, but also a considerable quantity of cargo. He did not think either that the fact of the funds coming from Australia entitled the people of that colony to have the whole management of the matter.

Mr. FAGAN said, he could assure the House that in Cork a very strong feeling existed upon the subject. He did not himself think that the question ought to be considered as a mere financial question, for it involved also a question of humanity. He thought, however, in a financial point of view, that Cork would be a more economical depôt for emigrants than any other port in the kingdom; and he wished to call the attention of the right hon. Gentleman the Secretary for Ireland to the fact of the Poor Law authorities having refused to place the lunatic asylum, which was unoccupied, at the disposal of the Emigration Commissioners, in order that the experiment should be tried.

Sir JOHN YOUNG said, that the hon. Member was in error in supposing that the Poor Law Commissioners had any power over the lunatic asylum, as the property of that establishment was vested in the county for the benefit of the Commissioners, and the Commissioners had no power in the matter.

Mr. I. BUTT said that, after what had fallen from the hon. Gentleman the Under Secretary for the Colonies he would withdraw his Motion, but must reserve to himself the right to renew it at a later period of the Session, in case this experiment should not be tried, or that it should, after being commenced, be abandoned without its appearing to him that there were substantial reasons for its abandonment. He was surprised that there should have been any refusal to lend the building formerly used as the lunatic asylum at Cork, for the trial of this experiment, but hoped that this obstacle would speedily be removed, and that the experiment would have a fair trial.

Motion, by leave, *withdrawn.*

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Mr. CARDWELL, in rising to move for leave to bring in a Bill for the better regulation of traffic on railways and canals, said, it will be in the recollection of the House that at the close of the year 1852, very extensive proposals were made for the amalgamation of the greater railway companies; and at the opening of the present Parliament that subject was brought under the notice of the Administration. The right hon. Member for Oxfordshire (Mr. Henley) who at that time filled the office responsible for that department of the Government, moved that the whole subject of amalgamation generally, and the principles upon which railway legislation should be conducted, should be referred to a Select Committee of this House. That question was an extremely important, and, at the same time, an extremely difficult question. When you reflect upon the mode in which railway companies have grown up to their present magnitude—that they grew up under a state of law which contemplated open roads, and the possession by every individual of his own mode of travelling along these roads—that they have grown up within a period of a quarter of a century, and may be said to have grown up at haphazard rather than upon any general system of well-devised legislation—I think no one will be surprised that the subject of railways was one of very great difficulty. Familiar as the House is with the subject of railways, I think it will, nevertheless, require from me some of the statistical information which will serve to show what is the magnitude of the subject. There have been 232 railway companies incorporated, the number of miles of railway projected by these companies is no less than 12,688 miles, and the length of railways open at the date of the last return was 7,686 miles. The total number of passengers carried in the year amounted to 95,000,000; the total number of persons employed in the transit of these passengers was not less than about 80,000. What amount of capital does this represent? The total amount of capital which has been authorised by Parliament amounts to no less than 356,000,000*l.*, of which amount there has been actually raised 264,000,000*l.* In the last year for which I have a return the total amount received for traffic, which was divided in nearly equal proportions between passenger and goods traffic, amounted to 16,700,000*l.* Such, Sir, was the magnitude, such was the intricacy and difficulty of the subject with which we had to deal.

It would not be justifiable in me to occupy the time of the House by dwelling upon the benefits which have been conferred upon British commerce and upon society in this kingdom through all its ramifications by this great invention of modern genius. Those who remember, as many now living do, the time when a journey from Aberdeen to London usually occupied the whole week, and now see the same journey performed in a single day, need no expressions of opinion from me to convince them of the great benefits which have been derived from these undertakings. And as they are the offspring of great genius, so have they been conducted by men of great ability. I think it would be most unjust to prefer a Bill of indictment against the conductors of railways, or to ask this House to legislate on the ground that the lines were not in the hands of men of great ability and most competent to the duties they have to discharge. But, Sir, it must be equally manifest that these great interests under separate management do require the attention of this House, and I always thought that the step which was taken by the right hon. Gentleman (Mr. Henley) in appointing that Committee was a just and proper step. Before the Committee met to enter upon the principal part of its duties, I became responsible to this House for the conduct of the department which had been under the direction of the right hon. Gentleman, and his very natural wish was, that I should take the Chair of the Committee which had been appointed. Sir, that Committee included in its Members no less than five persons who had filled the office of President of the Board of Trade, or Chief Commissioner of Railways, and had thus had an opportunity of acquiring experience upon this subject. It also included many eminent Members of this House, and if it did not include any Members who particularly represented the railway interest, that circumstance arose from a feeling on their part that it would be better for them to appear as witnesses before the Committee, and that the final decision of the Committee should not be prejudiced in the opinion of Parliament or of the country by any possibility of its being alleged that their interest had operated upon the decision. By the desire of the Committee I communicated with those chairmen of railway companies who are Members of this House. When the Committee met we found that we had questions of amalgamation to deal with of great magnitude and importance. The Report of the Committee stated:—

> "That the Bills promoted in the present Session by one company (the London and North Western) have been stated to your Committee to involve the union, under one control, of a raised capital of 60,000,000*l.*—between one-fourth and one-fifth of the railway property of the kingdom—an annual revenue exceeding 4,000,000*l.*, and an extent of railway communication of upwards of 1,200 miles, or more than one-sixth of the railways in the United Kingdom, forming, from the importance of the towns with which it is connected, a key to the principal communications of the country."

In Scotland it was proposed to associate the railways between Edinburgh and Glasgow. In Ireland it was proposed—

> "To unite the Grand Canal of Ireland with the Midland Great Western Railway, the proprietors of which, being already in possession of the Royal Canal, would have thus obtained the entire control of the communications, both by canal and railway, from the east coast of Ireland across to the navigable waters of the Shannon on the west."

Such was the magnitude and the difficulty of the investigations upon which we entered. I think I may fairly say, on the part of the Committee, that they addressed themselves to that inquiry with the determination to do all in their power to bring it to a just and satisfactory conclusion. When we came to the Report there was great unanimity of opinion in the Committee. With regard to one point, namely, to what extent there should be direct executive administrative interference, there was some difference of opinion in the Committee, as those who turn to the Report will find; but when that had been disposed of, we agreed to an unanimous Report, setting out the objects which we thought ought to be borne in mind by Parliament in its future legislation upon the subject of railways. The principal objects were set forth in Resolutions appended to the Report. These Resolutions recommended that there should be a greater uniformity in the system of Parliamentary proceedings in respect of railways; and that, if possible, we should even now devise, foresee, and act upon some steady and consistent course, involving, as this subject does, not only the convenience and advantage of the public, but also all the capital the particulars of which I have stated to you. Upon the subject of amalgamation we came to the conclusion, seeing to how great an extent amalgamation had already been carried, that while that degree of combination of interest between companies which might enable them by mutual arrangements and other workings to subserve the public convenience ought to be permitted and encouraged, yet that the more complete fusion of different capitals in one hand ought for the present not to be sanctioned by Parliament. I need not, perhaps, at the present moment go into detail as to the reasons which influenced us in coming to that conclusion, because I dare say the Report and evidence have long been in the hands of hon. Members of this House. But our unanimous conclusion was, that amalgamations or fusions of capital ought not at present to be sanctioned; but that that combination of interest which is known under the name of a working arrangement ought to be sanctioned and encouraged, under such limitations and restrictions as might prevent its being used for any purpose hostile to the public. Another object which we had in view was, to provide a ready means for the arbitration of disputes arising between railway companies, who might not have a power of legally binding their companies by arbitration—a voluntary power resting with themselves. I am now speaking for the purpose of doing away with those cases of difference which, when they exist, are not only injurious to the shareholders of the railway, but are in their consequences also vexatious and injurious to the public. Another matter which we had in view was this:—It is well known to the House that when railways were originally made, the theory of the law was, and I think any one who reads the Railway Clauses Consolidation Act will say that the theory of the law now is, that a railway is open to any person who chooses to travel upon it with his engine and carriages, paying the toll which Parliament has sanctioned to be taken. But, Sir, in practice that power cannot usually be made use of; and Parliament has repeatedly sanctioned the opinion that, looking to the hazard and to the risk to public safety, of having on the same railway different classes of persons responsible for the locomotive power, it is undesirable that that power should continue to exist. Therefore it was that we came to the conclusion to discontinue in future those clauses, commonly called "running clauses," which gave to one railway company the use of the water-tanks and stations, and the other means which were necessary in order that they might avail themselves of their common-law right of using the railroad as a common highway, upon payment of tolls.

There was, Sir, another important step which, upon the recommendation of this Committee, Parliament was pleased to take in the course of last Session—that was to enact certain Standing Orders for the purpose of preventing lines being brought forward by persons who had no *bonâ fide* intention of either completing the lines or rendering them serviceable as new railway communications, but whose object was either, having obtained the Bill, to sell it to some company to whom it might be dangerous or formidable, or to serve some other selfish purpose and advantage, and not to promote the general good of the community. By these arrangements we thought that we had taken considerable steps for the security of property invested in railways. Other securities were, indeed, suggested; but when we came to examine what would be the difficulties of maintaining any pledge, if we advised Parliament to give it, and what objections there were to pledges, we were not enabled to arrive at any conclusions more decidedly beneficial to the safety of railway property than those I have already alluded to. But having done so much in the interest of the railway companies the House will naturally ask, "What did it occur to us to do for the general protection and for the benefit of the public?" The House will naturally say, "If you think that the common-law right of running over a highway on payment of toll ought not to be conceded, because practically, from the construction of railways, it is not possible to use it except with danger, did it not occur to you also that you ought to provide other remedies?" It certainly did. The Committee unanimously agreed to the following Resolution:—

> "That every railway company should be compelled to afford to the public, in respect both of goods and of passengers, the full advantage of convenient interchange from one system to another; to afford to every class of traffic, including postal communication, just facilities; and to observe all statutory provisions, especially those requiring equal charges under the same circumstances; and that where complaint arises that any company has violated any of these obligations, provision should be made for the hearing and decision of such complaint in open court, with power to make use of the interference of the Railway Department, for the purpose of ascertaining by what specific and detailed arrangements such complaints may be effectually redressed."

At the close of last Session the subject was brought under the notice of the House by my hon. Friend the Chairman of the Committee on Standing Orders, who suggested the appointment of a Committee of such a nature that the several sub-Committees to whom groups of railways were referred might have constant intercourse with it, and with each other, so as to secure greater uniformity in the decisions of Parliament. That Committee met at the beginning of this Session, and proceeded to agree to certain general resolutions, which were, however, not considered by them as inflexibly binding on the sub-Committees. These resolutions referred to the working arrangements, the running clauses, and the forwarding clauses. Let the House consider the nature of the difficulty with which they had to deal.

If you look at the map of this country, you see it covered with railways, and your first impression is that there is a most easy and most uninterrupted transit from one extremity to the other. Examine more closely, and you will find that this is not a uniform system of railways, all under one management, and that in consequence it is divided into kingdoms, has its diplomacies and its alliances offensive and defensive, and is altogether a far more complicated affair than at first sight it appears. We had to find some mode by which the public interest could be guarded, and the interests of the shareholders not unduly interfered with; and we had to take a great deal of evidence on this subject of interchange of traffic. The Chairman of the North British Railway Company, formerly a Member of this House, came before us, and his statement was, that if you took your place at Aberdeen for London, having apparently the choice of two roads, you were, in fact, confined to one. You have not got out of Scotland before you have got to the junction of the Edinburgh and Glasgow Railway; of course you suppose that the company would be happy to have you for a customer. But the passenger would be surprised to be told what the Committee were told by the Chairman of the North British Railway:—

> "Though we are a continuous line with the Glasgow line, we have no interchange of booking, and no interchange of carriages; and, though the companies to the north would be willing to book through, and send their carriages through, from Perth and those districts, by the east coast line to York, Newcastle, and London, they have no means

of doing so, as they must run for about twenty miles on the Glasgow line, and the Glasgow Company will not consent to their booking through.

"The oppression, then, is this—that the possession of twenty miles of a continuous line of railway, extending in the whole from Aberdeen to London, enables the company to divert it to the western line to the prejudice of the eastern line?—It does.'

Then take the case of Newcastle-on-Tyne. Upon testimony than which there is none higher—on the testimony of Mr. Stephenson, I shall tell you the effect on the commerce of Newcastle of this same state of affairs. The alkali manufacturers at Newcastle require salt from Cheshire, but they are not permitted to receive it direct by railway. The salt raised from the mine in Cheshire is carried round to Hull, and thence by shipment to Newcastle, because it serves the interest of an intermediate company to divert the traffic. Mr. Stephenson said that if it went to Newcastle by railway throughout it would go over only twenty-four miles of the line of an intermediate company, but by diverting it to Hull this company got a mileage of sixty miles. And so the trade of Newcastle has to pay for the cost of the shipment of the salt from Hull, in order to serve the interest of this railway company. So of the cotton from Manchester, wanted in Newcastle. It also, for the benefit of this railway, has to take this long route. That, Sir, is a state of things that, be the difficulty of remedying it ever so great, I confidently submit to you Parliament will not allow to continue. Let us travel as far as Leeds. My hon. Friend who sits opposite, the Chairman of the Great Northern Railway, said the town of Leeds had two communications by rail to the south, and one to the north; but let him time his trains as he liked, he could not fix them for such an hour that they would enable him to carry passengers to the south who had just arrived from the north. The hon. Gentleman further said:—

"Parties having railways north of the town of Leeds bring their trains into the town of Leeds, so as not to suit other trains going out. The public complain; Members of Parliament and others have complained to me over and over again, saying, 'I see a train going out of Leeds just two minutes before I get in.' There is no power to control the parties to whom either railway belongs, or to compel them to make such arrangements as will accommodate the public. Now, one of the effects of a board would be, to compel directors so to regulate their trains that the public can travel from one end of the kingdom to the other without inconvenience, and that they should not be compelled by the caprice of directors to stay two hours and wait for another train."

Mr. Cardwell

Then look at Ambergate and Nottingham. Notice was given the other day for the purpose of striking out from the Ambergate Bill the clauses the general Committee had proposed. The promoters of that Bill, however, did me the honour of calling upon me to say they did not want the Committee's clauses struck out; that they sanctioned the policy of those clauses, and were willing to give a proof of their sincerity by accepting them in their Bill. They said, "Nothing can be more important than the transit of corn to the east from the Midland districts, and the transit of coal from the Midland counties to the rural districts in the east. We are desirous of facilitating that communication, but there are insuperable difficulties in our way, and we wish to see a remedy analogous to that which you have recommended." Mr. Seymour Clarke, the manager of the Great Northern Railway, in his evidence before the Committee, said that, in consequence of a dispute with another company,

"The Ambergate Company is at this moment working horses and carts between Colwick and Nottingham, because they have difficulties in running over the Midland line."

The Mayor of Ipswich told the Committee that that was the complaint of the inhabitants of that town. There was a continuous railway, but such was the want of agreement between the companies that their articles were obliged to be brought by other modes of conveyance. The Mayor of Salisbury also appeared before the Committee. He said, "We have a railway to Salisbury, and there is a railway to Warminster. Parliament has sanctioned a line between, but it does not suit the interest of either company that it should be constructed. It might be remunerative; but what would be its fate, closed hermetically by one hostile company at Warminster, by another at Salisbury?" That happens; and what becomes of this little company then? I ask the House, do you mean to leave the law in this state? There are other interests affected in this question—the great commercial interests. We examined a man of great eminence from Durham, Mr. Nicholas Wood; his complaint was that he could not get his coals to London; and he did make it clear to the Committee that unless he would sell them for less than their price he could not get them brought. The statement he made was—that his coal at the market price was worth 9*s.* 6*d.*; the coal the company carried was worth 8*s.* 6*d.* They would not take it unless they had it for 8*s.* 6*d.* In short, we examined a great number of witnesses, all whose evidence tended to show that what was really wanted was, that Parliament should devise a means by which you might have the same facilities in travelling from one end of the kingdom to another, that you have in travelling over a system of lines that belong to a single administration. I do not mean to say that the solution of this question is an easy one; the principle on which, according to the Committee, it is to be solved, is that by distinct statutory enactments you should break down these barriers and enable the Superior Courts to deal with the railways in such matters. Hitherto, the tribunals have tried to carry into effect the law; but the agency by which they are to do it breaks in their hands, because it is scarcely possible to frame a decree which human ingenuity cannot avoid, or to which it cannot give merely a colourable compliance; and I do not think it fair to find fault with individuals in these cases for employing the means they have to increase the dividends of the shareholders; for so long as you leave the law in this state, the railway director must take advantage of it, or the persons who look to him for a dividend will be dissatisfied. To overcome these difficulties, you must have a general law, in which you must reconcile the interests of the shareholders and the public. The same applies equally with regard to canals. A water communication was purchased by a particular railway company, and it no longer became their interest to have their little portion of canal worked efficiently, but they adopted such measures as compelled the traffic to run over their longer mileage of railroad.

The Bill which I have the honour to submit to you, will consist of three parts. In the first place, it will give powers to railway companies, which they do not now possess at all, for entering into combinations and working agreements with one another for the purpose of bringing the whole system into harmony. Secondly, it will contain terms for arbitration, to be conducted under the responsibility of the department in which I have the honour to serve. And I name that, because it is necessary the public interests should be consulted as well as the interests of the companies, lest in those agreements and arbitrations the public interests should unfortunately be forgotten. Thirdly, the Bill will provide a machinery for securing to the public that practical enjoyment of that free transit along the lines of railway and from one line to another, to which by the theory of the law they are entitled. By enactment you will establish the right. By decree of a court of justice, the violation of that right will be adjudicated. By arbitration the mode will be determined, in which complete effect can be given to the decision of that tribunal. Thus, when your enactment is not carried into effect, appeal will be given to one of the Superior Courts, and in order to enable the Superior Court to give effect to its decree, we propose, in strict analogy with the Act introduced in 1852 for reforming the Court of Chancery, by which Act Parliament gave to the Court of Chancery the power of consulting an engineer, an actuary, or a merchant, in those technical matters which appear to the Court to fall particularly within their province, to give power to the Court to call for the report of an engineer or other competent persons, so that eventually the judgment of the Court may proceed in some degree on the report of that engineer or other competent persons. The Bill will give, either to the department in which I have the honour to serve, or to the persons appointed by the Courts, power to report to the Court the precise sort of order and arrangement to carry into effect the statutory enactment which Parliament will have agreed to. This arrangement purposes to give to an arbitrator, or to a department, that which is necessarily executive and administrative; that which is enacting we ask you to sanction and enact. That interpretation of the Act of Parliament leaves to the recognised tribunals and courts of law to see justice administered; and in strict analogy with the Act of Chancery Reform passed in 1852, proposes to enable the courts of law to avail themselves of administrative or executive assistance. Is that an unreasonable demand to make on a great interest at a time like this? Is competition prevented? My opinion is, we have tried competition far enough. The railway companies told us that competition was an ineffectual remedy, and in our Report we have ratified the opinion of Captain Huish to that effect. I cannot forbear quoting, for its terseness and probable truth, the dictum of Mr. Stephenson—"where combination is possible, competition is impossible." Captain Huish, in his evidence before the Committee, illustrated that point by saying:—

"In Lancashire and Yorkshire, a district not the least sensitive to the advantages of free competition, no such freedom is practically enjoyed as regards communication by railways; but that, on the contrary, between Liverpool and Manchester, where five different modes of transit, more or less competing with each other in their inception, have been established—namely, the Liverpool and Manchester Railway—the railways by Bolton, Bury, and Wigan, in the hands of the Lancashire and Yorkshire Company—and the East Lancashire Railways—the Bridgewater Canal—the Old River Trust—all five have, more or less, a common understanding with each other, and no rivalry exists bearing any analogy to the keen competition of private individuals contending in the same trade."

Then, Sir, if the evil does exist, if we think a just remedy should be found, if competition is not that remedy, is there any remedy? I think I have a right to say that the Committee agreed in thinking, and agreed with the testimony of the most eminent railway witnesses, that arbitration is the remedy. I hold in my hand extracts from the evidence of the most eminent persons interested in the management of railways—Mr. Lang, Mr. Swift, Mr. Stephenson, Captain Huish, my hon. Friend the Member for Honiton (Mr. Locke), my hon. Friend the Member for the West Riding of Yorkshire (Mr. B. Denison), Sir William Cubitt, Mr. Bagshaw, Mr. Hanshaw, the hon. Member for Sandwich (Mr. James Macgregor). In all cases I think we find a concurrence of opinion, that the most available means of accomplishing the object is by a system of arbitration. The question is, whether that arbitration shall be a simple arbitration, or whether under the management of a particular branch of Government. It had occurred to me that there was a mode by which we might accomplish that arbitration with great convenience and advantage, at the same time showing confidence in the railway body, without whose cordial co-operation, after all, it will be difficult for Parliament to work out any scheme on which in your wisdom you may decide. In the clearing-house is a system of entire combination and arrangement, which I believe works admirably well. The analogy of that was brought under our attention in the evidence of Captain Huish. It occurred to me in preparing this Bill whether it might not be possible to create out of the machinery existing at the clearing-house some system—taking care of course to protect the public interest by some arrangement for that purpose—whether by that means a system of general arbitration might be accomplished. But on inquiry I found the clearing-house contained only a portion of the railway companies, that it was an entirely voluntary association; and I had reason to doubt whether interference with their arrangements would be generally acceptable to the railway body. Therefore, as it appeared to me the object was to enlist their confidence and co-operation, seeing it was doubtful whether that would be agreeable to themselves, I took the arbitration, pure and simple, and put it so in the Bill, and so it stands. The object is, while we protect the public interest and secure to the public, in respect to goods and passengers, uninterrupted transit throughout the kingdom, and from one railway system to another, to preserve general harmony among the railway body. While there are considerable public interests involved, we must not forget those who embarked their capital in promoting these vast undertakings for the benefit of the public. Perhaps, before I pass away entirely from the provisions of the Bill, I may state, I believe an impression has been excited that it is intended to take power in this Bill for varying or altering the tariffs or charges of the companies. I hope that those who labour under that apprehension will carefully read the clauses of the Bill, because if the clauses are not found to carry into effect the intentions I am about to mention, I shall be most happy to revise them, to make them carry out that intention. This case was pointed out as requiring especial care in the matter of arbitration between different companies, and obtained great consideration in the case of the Altringham Railway last year. It was said, "Take care when you are compelling a railway company to take up and carry forward the traffic of another company running into it, that you do not perpetrate this injustice:—The company is required to carry the traffic forward over a short portion of very expensive railway, having its terminus in the heart of the town, and you give power to a cheap company, in a cheap part of the country, to run its traffic into the terminal station of that company, rendering to it very small return, and virtually carrying on its traffic at the terminal charges of other people." That undoubtedly, though not a general case, is one which it is impossible to overlook, and therefore you will find in the Bill a clause, not for the purpose of varying the charges against the public—no such power is intended to be taken—but giving a power to say this, "If you require one company to carry forward at the request of another company the traffic of that other company, and it be referred to arbitration how that shall be accomplished, the arbitrator shall have it in his power to consider whether any such special circumstances as those to which I have referred really render it an unfairness on the receiving company to be compelled at ordinary charges to forward the traffic of the other company." That case arises continually at the clearing-house, and is solved by the gentlemen at the clearing-house without difficulty; but when you are dealing by Statute with parties who have not expressed their readiness to come into agreement with others, there are difficulties to contend with, which, however, does not affect the question in the Bill. I believe it is thought that the Committee were generally for inserting clauses of a nature never heard of before. That I think is a complete mistake. I do not suppose these identical clauses have been inserted before, but the practice has been to insert clauses compelling companies to carry forward traffic on such terms as the Committee thought proper to impose, and that led to clauses being imposed on the South-Eastern Railway by the East Kent Railway Act, declaring that the rates of charges, the nature, extent, and mode of discharging such services, and all matters, should be settled at the cost of the company by the Board of Trade, or an arbitration. That arrangement was carried into effect by Parliament last year, and is now upon the Statute-book. The objects, then, of the Bill are, first, a distinct statutory enactment of the duty of railway companies; second, provision for determining that Statute by the superior courts of law; third, the mode of aiding the courts by giving them the assistance of competent administrative arbitration, with appeal to the superior, in case that arbitration should not be properly or legitimately carried into effect. Parliament will enact, and the courts will execute, if you please to give your sanction to this system. In conclusion, let me ask, will the system be beneficial or injurious to the shareholders? I regret much that it is in the year 1854 we are asked for the first time to carry into effect a reformed system of railway arrangement. We had better have done it in 1844, and I, though a young Member of Parliament, supported my right hon. Friend the Chancellor of the Exchequer in the measure he introduced about that period. But even in 1854, if we adopt a uniform and prudent system, and if we make all the traffic of the country flow in the channels the public desire it should flow in, passengers travelling by the route which they prefer to travel by, and the goods by the route by which they can most conveniently and economically be carried, I do not believe the day is gone by when the prosperity of the railway interests may be restored. The energy and elasticity of the resources of the country are beyond the belief even of those most familiar with statistics. What would you imagine would be the effect on the Grand Junction Canal, of opening the London and North-Western on one side, and on the other the Great Western Railway. Would you have expected to find an increase or diminution of traffic? Probably you will tell me you expect a decrease of traffic. It was proved in evidence before us that in the year the London and North-Western received the sanction of Parliament, the Grand Junction Canal carried 708,000 tons of traffic, and in 1852, after being exposed to the full competition of the North-Western and Great Western Companies, it had risen, not indeed to double the amount, but from 708,000 to 1,144,000 tons of goods. Let, then, the railway interest see the wisdom of impressing Parliament and the country with the idea that no partial interests will be suffered to interfere with the general good of the country. Let the disposition to create new and unnecessary rival and competing lines be by that conviction checked, and what results may not flow from that continual growth of the ever-expanding resources and wealth of this country? We ought to pursue, in some respects, the policy which has been pursued in other countries with regard to railways. On the Continent there is a greater control with respect to railway matters than with our institutions could ever be expected to be carried into effect. A most interesting Report was quoted by us in our Report of last year, which had been brought across the Atlantic—a Report dealing with the same difficulties and coming to the same conclusion. After speaking of the great benefits the railway companies had conferred on the country, the American Report said:—

> "It would appear, therefore, that the principle of competition cannot, as a general rule, apply to railroad corporations, and that the interests of the community should not be left to its operation, as in ordinary business enterprises; that they must, from their peculiar elements, be, in a greater or

less degree, monopolies, and necessarily liable to the evils of monopoly. These evils are not, probably, as great at this time as they may be hereafter, when the system becomes more perfectly developed, and placed under the management of persons less disposed to show deference to public sentiment; nor are they as yet very perceptible to the public, from the fact that they are not apparent in any direct loss to the community, for railroads under any system must be a great benefit, but consist rather in depriving it of the additional advantages it would otherwise obtain. It is, nevertheless, due to the community that the tendency to these evils should be checked, and, if the above views are correct, it is incumbent upon the State to place the whole system under such control and supervision as may be deemed necessary to secure the greatest amount of public benefit, compatible with a due regard to the pecuniary interests involved in the operations of railroads."

Such were the objects of the general Committee which met, in pursuance of the arrangement, this year, to give uniformity of arrangement and to carry out the law, in order that railways may come to be what the common roads were called, the Queen's highway—that there may be no alliance, defensive or offensive, no policy, no diplomacy—but that we may see all the companies ranged under the ægis of the law, giving their full benefits to the public, with regard to the traffic of passengers and goods, from one end of the kingdom to the other. Such was the desire of the Committee last year. Such, I hope, will be the ratification by this House of that decision. It is as Chairman of that Committee that I have the honour of proposing your ratification of these decisions in the Bill I ask leave to introduce. I have occupied you longer than I expected. I felt it my duty to lay before you some portion of the evidence upon which we proceeded in coming to our conclusions, and I trust we shall be able to carry along with us, not merely the general feeling of the travelling public, but also the feeling of those without whose co-operation this system can never be rendered harmonious and effective —I mean those able men in whose hands have been carried on the great railway undertakings of the kingdom. I believe it is for their interest, as well as for the general permanent good of the country, that you should carry into effect the intentions of the Committee of last year; and it is with these feelings I ask leave to introduce a Bill such as I have stated.

Motion made, and Question proposed—

"That leave be given to bring in a Bill for the better regulation of the traffic on Railways and Canals."

Mr. JAMES MACGREGOR said, he did not rise to offer any objection to the introduction of the Bill, as he concurred in many of the observations of the right hon. Gentleman the President of the Board of Trade, but he thought that the right hon. Gentleman had not sufficiently shown to the House that he had paid that regard to the capital employed in the construction of railways which he had stated it was his intention to do. What he desired to impress upon the right hon. Gentleman was, the necessity, in the further progress of the Bill, to make a provision with regard to future railway legislation. It was impossible that such great interests could go on from year to year without making occasional applications to Parliament for an extension of their powers; and what he would request was, that some provision should be made to obviate those enormous expenses to which railway companies were now liable in going before the Committees of that House. More facilities should be afforded to the companies in their dealings with Parliament. The public, in regard to the construction of new works, were quite as much, if not more, interested than the railway companies themselves. He was sure the unanimous feeling of the House would be to treat the measure of the right hon. Gentleman with the greatest consideration. It was almost too pitiable a fact to state to the House, but still the truth should be told:—Taking the capital invested in forty of the principal railways of the country, which stood without any guarantee, it appeared that it amounted to the sum of 112,000,000*l.*, the value of which property in the market at the present moment was less than 75,000,000*l.* Looking across the Channel, it appeared that the increase of value on the capital invested was not less than 50 per cent, and the travelling on their lines was cheaper. This vast difference was entirely owing to the legislation of that House. The number of miles of railway constructed on the forty railways, up to 1844, was 2,240, which number had been increased, during the last ten years, to 7,512 miles, and the number of passengers conveyed from 30,363 to 95,000. The amount of capital invested in the same forty railways, up to 1844, was 20,363,000*l.*, which, in 1853, had been increased to 95,000,000*l.* He therefore appealed to the House to consider carefully the Bill which the right hon. Gentleman had laid before them, and endeavour to rectify that of which the great railway interests of the country had reason to complain.

Mr. WILKINSON said he must dispute the dogma that where combination was possible, competition was impossible, for he believed the great evil of our railway system had been that each company had expended large sums of money in Parliamentary contests under the delusion that they were in possession of a monopoly which it was their duty to maintain.

Mr. MANGLES said, he was sure the railway company with which he was connected would give to the Bill of the right hon. Gentleman a fair and candid consideration, and he hoped that the right hon. Gentleman would on his part be disposed to reciprocate that feeling, and give a fair and candid consideration to the unfortunate position in which the railway interests of this country were now placed, and actually so placed by the system of legislation pursued in that House. The right hon. Gentleman had said, that in his opinion the system and principle of competition had been carried quite far enough, and that he was now disposed to proceed on a different principle. He hoped that the right hon. Gentleman and the House would remember that the principle of competition had been carried out to a very great extent, and that its evils, such as they were, had, in point of fact, already been inflicted. Those who were connected with railways were most desirous that the principle of a well-regulated monopoly should be adopted, if practicable, because they believed it to be a proper principle; but it was one thing to introduce such a principle before competition was tried, and quite another thing to superadd that system upon all the evils of competition to which railways were now subjected. He did not wish to make any observations in a captious spirit, but it appeared to him that railways were now subjected to all the evils of competition, and what he contended for was that they should have the right and power to defend themselves as they best could against competition. But the principle which the right hon. Gentleman wished to introduce was this—after having subjected railways to competition he now proposed to tie up the hands of all railways, and objected to give to one class of competitors the same advantages which another class possessed; in short, the right hon. Gentleman would superadd regulation to competition. He did not think that railway capital at the present moment was paying more than between 2½ and 3 per cent. Such a great interest, being in that position, ought not to be dealt with in an unfriendly or harsh spirit. It was admitted that the railway interest conferred great advantages upon the country, and he hoped the House and the Government would bear that in mind when legislating in reference to that interest.

Mr. LOCKE said, the very clear and explicit statement of the right hon. Gentleman the President of the Board of Trade, that it was not his intention to interfere with the existing tolls of railways, had removed the objections which he had anticipated he should feel it his duty to urge; looking at the clauses which had been laid upon the table of the House, and which had been inserted in several Railway Bills. He congratulated the right hon. Gentleman on his statement. He thought the manner he proposed to effect an interchange of traffic from one line to another was one which the railway companies could themselves very well carry out. But the Bill did not meet all the objects which it was desirable a measure of this kind should provide for. There were other questions, besides the question of interchange of traffic, that were well worthy the consideration of the House. The great expenditure caused to railways by legislation had been spoken of; but one chief item of that large expenditure would not be lessened by this Bill. The most important question was the question of gauge. They had had a contest going on before that House last year, and the year before, and for six or eight years preceding that, between the broad gauge and the narrow, and founded upon that they had had a mixed gauge. Two companies, contesting this question of gauge, in reference to a line between London and Exeter, had spent no less a sum of money than would have paid for the construction of the railway. Considering that a Commission which had been appointed in the year 1846, to inquire into the question of gauge, had reported in favour of its final settlement, and of putting an end to the disputes which have arisen out of it, and that a Bill had been brought in founded on the Report of that Commission, he did think it was scarcely creditable to our legislation to be considering at this moment that very question, involving that very expense which every one of them was desirous to see an end to. He thought that the right hon. Gentleman would have done himself more credit, although he by no means wished to detract from the credit to which he was entitled, if he had taken up this question of gauge, and settled it upon a basis which the world could understand. He considered it a disgrace to this country that it was the only one which had not adopted uniformity of gauge. The want of such uniformity would complicate the system far more than the evils which it was the object of this measure to redress. They would never get rid of the heavy expenses which they deprecated, put an end to contests, or extinguish competition, unless they defined some distinct—unless they laid down an iron rule not only as to charges and as to the mode in which the traffic should be carried—but as to the limits within which each company should be confined, and beyond which it should not be allowed to pass.

Mr. MALINS said, the statement of the right hon. President of the Board of Trade had been made to the general satisfaction of the House, and he congratulated the right hon. Gentleman for adopting the suggestion from that side of the House to bring in a general measure, and not to attempt to do that by particular clauses, which could only be accomplished in the way proposed by the right hon. Gentleman. With regard to the general question, he would say that he had been professionally engaged with the hon. and learned Solicitor General in fighting the battle of the gauges, and his impression was, that by these contests railway companies were destroying each other, and that a great benefit would be conferred on the public and the railway interest by putting an end to these unseemly contests. It must have very much surprised the House to hear that the 112,000,000*l.* spent on forty of the leading lines were not worth more in the market than 75,000,000*l.* The fault was not in the paucity of the traffic, for the traffic was abundant beyond expectation, but in the defect of the system. And he feared Government was answerable for much of the mischief that existed. He could point to the conduct of the London and North-Western Railway with the Shrewsbury lines, where that company ran trains at losing fares, in order to impede the traffic of the other company. These things ought to be put an end to, and Government ought to take effectual steps to protect railway companies from themselves and the mode of carrying on competition with each other.

Mr. HUDSON said, in reference to the Committee of 1844, had the right hon. Gentleman the Chancellor of the Exchequer, who was Chairman, been able to give the railways security against competition, they would have been able to enter into a compact with him. But as the right hon. Gentleman could not give railways security against competition, satisfactory arrangements could not be entered into at the time. With regard to the spread of the railway system, he would just ask that, at a time when there was a premium of 30,000,000*l.* on the subscribed capital, who could say that particular districts would not have a railway? This led to competing lines, and to unprofitable branches, which had sapped the profits of the trunk lines. It was impossible for Parliament to say, then, that a particular district should not have railways; and as capitalists were ready to come forward, the lines were freely, and in some cases unwisely, granted. With respect to foreign railways, they had been constructed mainly with English capital, and they also had the advantage of Government guarantee without the disadvantage of unlimited competition, which might be considered the basis of the English system. With reference to the gauge, no one who had travelled upon an Irish railway, which was constructed on the intermediate gauge, could doubt but that gauge was the best gauge to adopt; but it was too late now to apply the intermediate gauge to the English railway system, for the expense would be too enormous, and the difficulties to overcome too serious for the present depressed period of the railway interest. Railway undertakings were in their nature of a speculative character, and it was impossible in many cases to guard shareholders against loss. But the enormous Parliamentary expenses was one great grievance of the system, and till they were moderated no effectual good could be attained. He believed that few Railway Bills had passed without having produced benefit to the public.

Mr. BECKETT DENISON said, he believed that the public would gain very materially by a measure such as that which had been traced out by the right hon. Gentleman, if it passed into law, and, he was glad to add, the shareholders also. It would give a solidity to railway property, which would induce many timid persons to invest in it who had formerly been unwilling to do so; and it would also remove much of the irritability at present prevailing among the directors of rival lines. He should, therefore, have the greatest pleasure in affording every assistance in his power to the passing of a measure such as that shadowed out to-night by the right hon. Gentleman.

Mr. WADDINGTON said, he wished to know whether, in the event of a railway company being permitted by its Act to charge a toll of 2*d*., it would be obliged to reduce that toll to 1*d*. if another company wished to pass its transit business on at the latter rate? If that should be the case, he feared the right hon. Gentleman's Bill would prove to be an abortion.

Mr. CARDWELL said, he believed the Bill would not be an abortion. The object of the measure was to secure equality of toll, and to prevent railway companies from charging one sum to one person and another sum to another.

Question put, and *agreed to*.

Bill *ordered* to be brought in by Mr. Cardwell and Mr. Solicitor General.

Bill read 1°.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, April 7, 1854.

Minutes.] Public Bills. — 1ª Unauthorised Negotiations; Church Building Acts Continuance.
3ª Testamentary Jurisdiction.

UNAUTHORISED NEGOTIATIONS BILL.

Lord CAMPBELL: I have a Bill which I propose to lay upon your Lordships' table. It is not my intention to go at any length into an explanation of the Bill, but if your Lordships will allow it to be read a first time, I will give an explanation of the Bill on the second reading. It is a Bill of great importance, and I invite your Lordships' attention to the subject. It is entitled "An Act to prevent any unauthorised negotiations or intercourse touching public affairs between the subjects of Her Majesty and any Foreign Potentate or State." The object of the Bill is to enforce the law of nations, by which it is clearly provided that all intercourse between individual nations respecting public affairs shall be conducted directly through the Government, or through foreign Ambassadors and Ministers duly authorised, and responsible for the advice they give. I shall be able clearly to show that this is the law of nations, and I shall be able to show that it has been in several instances infringed, to the prejudice of public affairs, in this country —that it is liable to be infringed to a degree alarming to the public safety—and that we have an undoubted right to legislate with respect to the conduct of British subjects abroad, especially after the example of that most excellent measure of my noble Friend relative to the slave trade. We have no authority to legislate for foreigners; but wherever British subjects are, in any part of the globe, over them we have complete authority. I trust that I shall be able to show that it will be for the public advantage that this Bill should pass. I will now move that this Bill be read a first time, and, if your Lordships agree to this Motion, I will, after the holidays, name a day for the second reading.

Bill read 1ª.

THE ADMINISTRATION OF THE ARMY.

Earl GREY: My Lords, I rise in pursuance of the notice I have given, to move for the production of certain papers, which, if granted by Her Majesty's Government, will show what changes, if any, have been made in the arrangements of the department of the Secretary of State for War and the Colonies, and in the transaction of business connected with the Army, in consequence of the war in which the country is now involved. In pursuance of the intention I declared when I gave notice of this Motion, I shall, in making it, take the liberty of laying before your Lordships the reasons that induce me to believe that changes much greater than any which seem to be at present contemplated, are urgently required.

My Lords, I have no doubt that your Lordships are aware that so long ago as the year 1831 or 1832, a Commission was appointed by the Crown to inquire into the existing arrangements for the administration of military affairs.

That Commission, which was presided over by a noble Friend of mine not now present (the Duke of Richmond), had made some progress in its labours, but had not completed them when it was dissolved in consequence of changes in the Government.

Under the Administration of Lord Melbourne the inquiry which had been thus interrupted was resumed by a new Commission, composed of five Members of Lord Melbourne's Cabinet, including Lord John Russell and Lord Palmerston), and of my noble Friend Lord Stafford. In consequence of my holding at that time the office of Secretary at War, I had the honour of being named Chairman of this Commission, which, after a long and careful inquiry, unanimously agreed to a Report, expressing a strong opinion of the necessity of an extensive change in the constitution of the public departments to which the management of the Army is entrusted. This Report was presented to Parliament in 1837, but notwithstanding its recommendations, from that time to this nothing has been done on the subject by successive Governments. I do not mean to blame them for having failed to do what was recommended, because there were obstacles to any effective reform, which hitherto it would have been difficult to surmount. It was contemplated, shortly after the date of that Report, to bring forward a measure carrying into effect most of its recommendations; but it was found that great resistance would be made to the proposed measure, and, at the same time, there was no reason to believe that it would receive adequate support from public opinion, which was not alive to the necessity of the intended reform. Hence the plan which was in agitation was naturally dropped; for, I believe that measures of improvement to which powerful interests are opposed, never can be pushed forward by any Administration till they are supported, or, indeed, almost stimulated into doing so, by public opinion. I think that it is rather the business of the Government in this country to follow than to lead public opinion in these matters, and that what is required is, that the public should understand the evil in order that they may call for the remedy. My Lords, it is with this view and with no wish to embarrass the Government that I now bring this question forward. I am persuaded that if the magnitude of the evil I am about to bring before your Lordships were once thoroughly understood by the public; if it were understood how the practical management of affairs in the army is year after year injured and impeded by the existing arrangements—I say, if this were once thoroughly comprehended, I have no doubt that, whatever might be the Government at the moment in power, that Government would be compelled to undertake, and would be able to effect every necessary reform. I must add, that the urgency of the question, when the country is entering upon an arduous war, is my reason for now bringing it forward.

I do not doubt that your Lordships are acquainted with the general character of the existing arrangements for the administration of military affairs; but at the same time it is perhaps desirable that I should make a very short statement of what these arrangements are. My Lords, these important duties are divided amongst a great number of entirely independent departments. The Commander in Chief has the command of the troops—except of the Artillery and Engineers, which are not directly under his orders—but he has no authority whatever to adopt measures involving any increase of expense without the consent of other Departments of the Government. On the other hand, it is the duty of the Secretary at War to submit to Parliament the estimates for the Army, and to see that the money voted is duly applied to the intended objects. He is always expected to answer in Parliament all complaints which are made as to the misapplication of that money or the mismanagement of the service for which it was intended to provide. But, while he has this duty, he has no right, officially and properly, to interfere in the slightest degree in any one of the measures of the Commander in Chief, even those which most materially in their consequences affect the expenditure of the Army, unless they involve some immediate outlay. No money is required for carrying into effect the measures of the Commander in Chief. The Secretary at War, according to the theory of the service, has no right to interfere. Then, again, the Master General of the Ordnance has personally the command of the Artillery and Engineers. Without the assistance of any board, he performs, with respect to those two corps, the duties which, with regard to the rest of the Army, appertain to the Commander in Chief. In conjunction with the Board of Ordnance, the Master General has a very great variety of duties to perform, connected not only with the Ordnance and Engineer corps, but also with the general management of the Army: because, when I said the Secretary at War submitted to Parliament the estimates to provide for the expenditure of the Army, I ought to have said that it is only a small part of the expenditure of the Army that is so provided for; all that relates to the barracks, the arms, the provisions, and to the stores that are required, all these great departments do not come under the cognisance of the Secretary at War. The Master General and the Board of Ordnance have to attend to the barracks, the fortifications, and some of the arms; but nothing can be more capricious than the rule; for instance, the Board of Ordnance provides the cavalry with carbines, not with swords. [A Noble Lord here made a remark.] Yes:—The noble Lord is quite right: I remember it is only the sergeants' swords of the infantry that the Board of Ordnance do not supply. Then again, the Ordnance provides part of the clothing of the troops, but only part of the clothing; it provides the great-coats, whilst trousers and coatees are supplied by the colonels of the regiments. Lastly, the Board of Treasury, in addition to having a general control over all matters relating to expenditure, keeps directly in its own hands all that relates to that important branch of military arrangements which consists in providing the troops with provisions, at least on foreign stations. The Ordnance have the duty of supplying provisions for the troops in this country. I believe, at any rate until lately, it was so. Now, all these various and independent authorities are, according to the theory of the army arrangements, kept in their places, and their mutual co-operation and concert are secured, by the paramount authority of the Secretary of State for War and the Colonies. All these offices, with one exception, are subordinate to the Secretary of State; but with regard to the supply of provisions to the troops he has no authority. The Board of Treasury are not under the orders of the Secretary of State, and all he can do is to signify recommendations without express directions. This is the theory of the arrangement, that all these independent authorities are made to act harmoniously together by the paramount authority of the Secretary of State. To a certain extent, perhaps, the practice formerly corresponded with the theory; but for nearly fifty years that theory has been, in a great measure, practically set aside. In the present state of affairs it is physically impossible that a Minister who is charged with the superintendence of all the complicated arrangements and all the details of our various colonial possessions can give a due superintendence to the affairs of the Army. Now, my Lords, I think this very slight sketch of the existing arrangements is quite sufficient to prove that it is absolutely impossible to expect that there can, under such a system, be that unity of purpose and vigour of management which, in the conduct of military affairs, is absolutely necessary and indispensable; and I will take the liberty of reading to your Lordships what was the opinion expressed by the Commissioners in 1837, in a report which was unanimously agreed to and signed by them all. They say:—

> "Various duties, which all have reference to one common object, and in the discharge of which it is highly important that there should exist the most complete unity of purpose, are entrusted to authorities, not merely separate and distinct from each other, but mutually independent, and only connected together by their common subordination to the supreme authority of the Government. Under this system, however anxious those who conduct the several departments may be to keep up a good intelligence with each other, we believe it to be impossible that a want of due concert and vigour in their various measures should fail to exist; and accordingly we are much deceived if the practical results of the absence of a more concentrated authority are not to be traced in conflicts of opinion, diversities of system, and delays exceedingly injurious to the public service."

Such was the opinion expressed by the Commissioners; and your Lordships will observe that in the passage I have read (though, for obvious reasons, they did not enter into details), they have pretty clearly intimated their opinion that the views they attribute to our system of military administration have been seriously felt in practice. I am afraid it will be my duty to do what the Commissioners have omitted, and to point out to you some of the evils to which they only alluded, because this subject cannot be understood by your Lordships unless you are able to trace by practical examples the mismanagement which has arisen in the affairs of the army from the system which I have described. My Lords, I know it is an ungracious and repulsive task—a task I would gladly have declined, if I did not conceive it my duty to undertake it—to point out the errors committed during a long series of years by the Governments of this country; but unless I did so you could not feel the urgency of the necessity for a change. In bringing this mismanagement before you, I can assure you I am only embarrassed by the overabundance of my materials. I shall select very few out of a whole host of examples I might bring forward, and I shall impartially select these from certain cases which have occurred under all the various Administrations except the two last, of which I do not pretend to know so much. I shall take them, I say, from various Administrations, not excluding those with which I have myself been connected; and in bringing forward these cases of mismanagement, I must further, at the outset, beg to be understood as meaning to throw no blame on individuals. It is not individuals, but the system, that I condemn; and I am persuaded that under the system now existing the most able and the most conscientious public servants would fail to prevent those errors and those cases of mismanagement which it is my business to detail to your Lordships. I must add, that I am convinced that those to whom the management of the military departments had been entrusted, have generally been men of great merit; but this very circumstance—that, in spite of your having such able public servants employed, these errors have existed, is what, in my judgment, most tends to make this matter assume so serious a character.

My Lords, in trying to compress as far as possible what I have got to say, I have, of course, selected those very few examples of mismanagement which I propose to bring forward from what appears to me the most striking cases. Now, it seems to me that if there is one subject more than another of paramount importance in military administration during peace, it is that there should be the greatest attention to all that relates to the health and lives of the troops. Independently of considerations of humanity, independently of the gratitude we owe the brave men who risk their lives for our country—independently of those higher considerations, if we take it merely as a matter of pounds, shillings, and pence, the life and health of the soldier are of the highest possible importance. No soldier dies, or is invalided, in the army, especially on foreign stations, without imposing very considerable expense on the country. The House will see, without my insisting further upon it, the extreme importance of this subject, and your Lordships will allow me to show you how it has been attended to. When I had the honour of holding office as Secretary at War, I caused a careful examination to be made of the reports and statistics of the medical department of the army. Two most able and meritorious officers —Colonel Tullock and Dr. Marshall— were employed to conduct this inquiry. They did so with extreme ability and diligence, and the results of their investigations were ultimately laid before Parliament. Those results were of the most frightful description—so frightful indeed that it has always been to me a matter of surprise that while the attention of Parliament can easily be attracted to what appears to me such minor matters, the shocking details contained in these reports should have obtained so little of the notice and attention of the Legislature. I will not detain your Lordships with many instances, but I am anxious to call your attention to the facts ascertained by the gentlemen to whom I have alluded with reference to the Jamaica and the West India Islands. On inquiring into what had been the mortality in these commands since the termination of the war, they found the following frightful results: — In Jamaica one-seventh of the whole force was cut off annually by disease, in addition to those who were invalided. That was the first result obtained. Taking the whole mortality of the twenty years ending in 1837, it appears that during that time there perished of the British force in Jamaica 6,700 men—6,700 English white soldiers—for the return did not include the coloured troops—had fallen victims to the climate of Jamaica. The average force of white troops in that island for the twenty years, from 1817 to 1837 inclusive, was 2,578; the average number of deaths annually was 350, or 130 in every thousand. Now, my Lords, it may give you some idea of what the extent of the mortality in that island really was if I compare it with the loss which was occasioned by the battle of Waterloo, the greatest battle of modern times. The loss occurring among those regiments which stood the whole brunt of the engagement, and excluding the others, some of which were only slightly engaged, and others not at all, was 100 men per 1,000; and that number included, not only those who were killed on the field, but who died subsequently of their wounds; so that it would appear that one single year's service in Jamaica was more deadly—that there was nearly one-third greater risk of loss of life to the soldier who took a year's service in Jamaica than there was of loss of life to the soldier who actually took a share in the terrible Battle of Waterloo. My Lords, I may be told that this is the inevitable result of the climate. If it were so, it would be a frightful thing; but I say it is not the inevitable result of the climate; for, after the investigation to which I have alluded had been made, various measures were immediately set on foot to counteract the frightful evils that were ascertained to exist; and in a very few years—if not immediately within the next four years—that mortality was reduced from 130 to 93 in the thousand—a saving of nearly one-third in the average annual number of the troops. But the improvement did not stop there; for within the last ten years, instead of the deaths being 130 in the thousand, the average number has been only thirty-four. Now, what do these facts show? Why, that if the same precautions, which experience has proved are perfectly practicable and perfectly easy, had been adopted during the twenty years immediately succeeding the peace, instead of losing 6,700 British soldiers, we should have lost only 1,753, if the mortality had been in the same ratio as it has been in the average of the last ten years; that is to say, you would have saved the lives of 4,947 soldiers in twenty years; so that the lives of nearly 5,000 British soldiers have been thrown away through the neglect of taking proper and practicable precautions in the island of Jamaica during the twenty years succeeding the peace; and, in fact, they have been as much sacrificed through want of management as if they had been drawn out in front of their barracks, and shot upon the spot. My Lords, you may say this is not a very agreeable subject, and I will not trouble you with many details. The West India command was not so bad as the Jamaica; but even in the West India command the mortality among the troops has been, by the use of the most ordinary precautions, reduced from eighty-five to forty-five in the thousand. Nearly one half of the lives that used to be sacrificed were sacrificed through neglect; and I have no hesitation in saying that it is my firm conviction that the remaining mortality of forty-five in the thousand is a larger mortality than ought to take place if the various branches of the military service were managed upon a sound system, and treated with that care and intelligence that they ought to be. I have said this mortality might have been prevented by the most ordinary precautions, and it is necessary that I should prove to your Lordships the accuracy of what I state. We all know that one of the chief causes which leads to the prevalance of disease among large bodies of men is the want of good diet; and when the investigations were commenced into the state of the health of the troops in the year 1835, what, do your Lordships think, was discovered? Why, I find that, for a long series of years, medical officer after medical officer had reported that it was most injurious to the health of the troops to feed them upon salt provisions—every medical officer that went to the West Indies had been giving this description of evidence—and what yet was done? Absolutely nothing; and at that moment your soldiers were every week receiving salt provisions for five days, and it was only on the two remaining days that they were allowed fresh meat. Now, my Lords, does it require a medical man to know that in a tropical climate like that of Jamaica it could not be healthy to give this vast quantity of salt provisions to men? Is not the fact perfectly palpable and obvious to the very meanest capacity? It is no part of the duty of the Secretary of War to interfere in anything relating to the victualling of the troops; yet when the existence of such facts came to my knowledge, when I found that such a frightful mortality was going on, and that the medical officers had repeatedly reported that so much salt food had the most injurious effect upon the health of the troops as actually to produce what I looked upon as a public calamity, I at once, without considering whether it was my business to interfere or not, commenced a correspondence with the Treasury upon the subject. That correspondence was laid before the House of Commons, I having moved for it myself in the year 1840; and it would be worth the while of any of your Lordships to look at the paper itself, which affords a most instructive example of the effects of the present system of transacting business. The correspondence was far too voluminous to admit of my attempting to give even a summary of it, and it will be sufficient for my purpose to call your attention to the dates of some of the most important letters. My first letter to the Treasury, pointing out the great evils I have described, and recommending a change in the rations issued to the troops, was dated the 30th of January, 1836. There were references and re-references, first to one party and then to another, until at last I almost despaired of seeing anything accomplished at all. But, following up my official correspondence from day to day, and almost from hour to hour, and, not content with my official correspondence, writing private letter after private letter, until, I believe, if your Lordships were to look, you would see a mountain of letters in my handwriting upon the subject, I received the final answer from the Treasury in a letter dated the 28th of January, 1837, which informed me that orders would be given—of course there would be some further delay before they could be carried into effect—to the Commissariat Department to remedy the evil. There was, therefore, a whole year, with the exception of two days only, consumed in considering whether the troops in the tropical climate of Jamaica and the West Indies, who were shown to be suffering dreadfully in consequence of the salt diet they were subjected to, should continue to receive five days' salt provisions weekly, in spite of the unanimous opinion of the medical officers, who had been employed on the station for a long series of years, as to its injurious effect upon the health of the men. I think, my Lords, you will admit that that is a pretty strong case, but it does not stop there. My letter to the Treasury recommended reforms in this respect generally in all tropical climates; but when the final answer came, after all the references and re-references and consultations of every possible description, it said that I had made out my case with regard to Jamaica and the West Indies, and that their Lordships would direct that fresh provisions should be given every day in Jamaica and five days in the week in the West Indies, but that before they granted it elsewhere they would institute further inquiries. Well, my Lords, I was compelled to leave the case at that time in the hands of the Treasury; but of course I never doubted that further inquiry would be made, and that the matter would be properly followed up. But what happened? It came out incidentally—for the War Office has not necessarily any information on these subjects—it came out incidentally, at the beginning of the year 1838, that five days' salt provisions in the week were still being supplied to the troops stationed in a place where the climate is of the same character as that of the West Indies, although, technically speaking, it is within the North American command—I mean the island of Bermuda. Now, Bermuda certainly is not within the tropics, but it is a climate which partakes very much of a tropical character, and in which the health of the troops requires very great attention. As soon, therefore, as I became aware of the fact that the practice of supplying the troops with five days' salt provisions in the week was continued in that island, I wrote to the Treasury upon the subject. My letter was dated in May, 1838; and on the 6th of September an answer was returned, to the effect that their Lordships had heard no complaint upon the subject. Upon that I caused a very elaborate investigation to be instituted into the reports of the medical officers, with a view of ascertaining how the matter actually stood, and whether it was necessary or not to make that improvement, which I confess it seemed to me that common sense required. When that investigation was concluded, a rejoinder was sent to the Treasury, which not only pointed out and proved the prejudicial effect which the practice of supplying salt provisions to the extent to which it had been persevered in had had upon the troops, but which showed that the convicts also stationed at Bermuda, who had fresh meat five days in the week, were enjoying excellent health. We were actually giving to these convicts at Bermuda five days' fresh provisions in the week, while our soldiers, quartered in the same island at the same time, who were unstained by crime, were condemned to salt provisions for five days out of every seven, and were thus less cared for than the convicts they were appointed to guard. And this had been going on for years, and although complaint after complaint had been made by the medical officers of the Army, they had never been attended with any satisfactory result. Well, the rejoinder containing these facts was sent in in November, 1838; and upon that there ensued a very long correspondence, and your Lordships probably will hardly believe that that correspondence was only brought to a close, and that orders for this most necessary improvement were only issued on the 21st October, 1840—just two years after the subject was first broached. Now, my Lords, there is another remarkable fact connected with the subject which I may notice; and it is this—that when this reform was introduced, which was attended with all the benefit, and more than all the benefit, which had been anticipated to the health of the troops, it was found to possess also this other advantage, that after some little time, when the contractors were able to arrange for the supply of fresh meat, it was found that there was actually some slight saving of expense to the Commissariat Department—that the substitution of fresh meat for salt provisions was, in fact, a cheaper arrangement, so that there was actually a saving to the nation by giving our troops wholesome instead of unwholesome food.

My Lords, you may perhaps think that while this service is entrusted to the Treasury Department, though there may have been mistakes as regards the health of the troops, the business must at all events have been conducted with great regard to economy. I am sorry to say that that has not been the case, as I shall be able to show to your Lordships. For a short time the plan was adopted of having the supply of provisions to the troops on foreign stations voted by Parliament as part of the Army Estimates. After a short time that plan was discontinued—for what reason I know not; but while it was in operation, and when I was Secretary at War, the attention of one of the officers of the department was called to the extraordinary fact, that more than one half of the cost of the bread supplied to the troops stationed at Gibraltar would have been saved if the flour for the manufacture of that bread had been got at Malta. The actual cost of the bread in that year was 7,800*l.*; the saving, if the flour had been procured at Malta, after paying the freight from that place to Gibraltar, would have been 3,500*l.* Well, my Lords, that led to an investigation, and the result was so very curious, that your Lordships would hardly believe what turned out to be the manner in which the flour consumed by our troops at Gibraltar had been procured. That flour was got from America; and in tracing the matter out these extraordinary circumstances were brought to light:—In that year, owing to a bad harvest, corn and flour in America were very dear. At the same time, your Lordships will recollect that we had had two or three good harvests in this country, and that under the law which then existed there was a large accumulation of foreign corn in the bonded warehouses in this country. In that year there was a large quantity of Black Sea corn removed from the bonded warehouses in this country and exported to America; and it turned out that the flour supplied to the troops at Gibraltar had been manufactured from this identical Black Sea corn. It had passed by Gibraltar in the first instance—had been brought to this country and lodged in the bonded warehouses here—had twice crossed the Atlantic—and, at last, had been brought back to Gibraltar, for the purpose of supplying the troops stationed at that place. My Lords, that is a very curious fact; but the explanation of it is this:—Some years before, when New York was the cheapest market from which flour could be got for Gibraltar, an order had been issued by the Treasury that the supplies required should be procured from that place; but circumstances changed—the prices in the different markets altogether altered. But although the Admiralty altered their arrangements, and supplied the Navy with flour got upon the spot, with respect to the troops the old beaten track was followed, and when it became twice as expensive to procure flour from America as to purchase it at Malta, it continued to be procured from America, as if this change of circumstances had never taken place. Well, my Lords, I say is not this the natural result of the present system? Any man who knows the enormous extent of the business of the Treasury, and the manner in which it presses on the higher officers of that department, must know that it is utterly impossible that those higher officers can give any attention to the details of the Commissariat management. I do not blame them for it. On the contrary, I know that the business of that department could not go on with any degree of satisfaction if they were to give their attention to details; for, if they did, they must necessarily neglect the higher and more important duties they have to perform in relation to the country. The consequence is that the arrangement of those details falls into the hands of a class of persons well meaning, excellent, and conscientious, as I entirely admit them to be, but, like all persons in public departments, apt to fall into routine habits, if there be not a constant superintendence over their conduct from above. It is not in human nature—it cannot be expected, that the subordinate Members of a great public department, if they are not watched over and superintended by the superiors of that department, will give that constant and active attention which is essential to a really good administration. My Lords, I might go much further with reference to this subject of rations; but I think I have mentioned enough, and I will only add that I believe during the whole time the Emperor Napoleon was at St. Helena, although we had a considerable garrison there, not a single day's fresh provisions was issued to the troops of which that garrison were composed, except on Christmas-day and upon one or two festivals, and that in consequence of this state of things a high rate of mortality prevailed among the men, while not a single officer died a natural death, the only death of an officer having been that of one who was accidentally drowned. But I have said enough upon this subject, and

I will proceed to the question of quarters, a question as regards the health of our troops, not less important than that of food.

My Lords, will your Lordships believe that while this terrible mortality of which I have spoken was going on in Jamaica and in the West Indies, we were allowing to our troops just eighteen inches of space per man for sleeping room; and the soldiers were so crowded in their barracks that there was no room for them in beds, and it was necessary to place them in hammocks—such was the mismanagement with respect to quarters at that time. After a time, there was an improvement in respect to the space allowed to each soldier, but in other respects, I regret to say, that the lodging of the troops continued to be most unsatisfactorily provided for. Of this it is right that I should give some examples; and I will, in the first place, bring before your Lordships certain facts with respect to the principal barracks in the Island of Trinidad—one of the colonies which has suffered very particularly from the system, the evils of which I am now endeavouring to point out. The Orange-grove Barracks in Trinidad were reported by the medical officers in the year 1822, to be in so bad a condition, that it was ordered that no expense of any magnitude should be incurred in their repair; and in 1823, other medical officers, Drs. Lamont and Blair, reported of the same barracks, that the mortality in them was great, because the men were obliged to reside in barrack-rooms constantly wet, owing to the rain coming in. "If slaves in this island," it was said, "were so badly lodged, the protector of slaves would consider it his duty to prosecute the proprietor of the estate to which they belonged." What do you think, my Lords, of keeping British soldiers in barracks so bad that a slave-owner would be liable to prosecution if he kept his slaves in such ruinous places? This was in the year 1823. In the year 1824 there was some slight improvement; but it was certainly not effectual, because in 1825, Dr. Hacket, another medical officer, in his report, called attention to the evils which existed at that time. He says—

> "Never was I so astonished or amazed, in truth, so perfectly astounded, as in beholding what is called a barrack or an hospital, such as this country presents."

In 1827 there was a still stronger report from Dr. Hartle, Deputy Inspector General of Hospitals, who said—

> "These Orange-grove barracks are disgraceful."

In 1832 Surgeon Savery reports:—

> "All the barracks occupied by the corps as barracks are old, but are kept air and water tight, except the barrack at Orange-grove, which has been allowed to go unrepaired for some time, and is now in a most disgraceful state."

In 1833 the same officer reports—

> "The barracks at Orange-grove were suffered to remain in the most shameful state for some time, until by frequent representations of their insalubrity, they were repaired in July and August last."

That is, my Lords, those barracks having been condemned as unfit to be inhabited by the troops, the only result of that condemnation was, that the Government ceased to repair them, and for eleven years kept the British soldiers, year after year, in a place of which the medical officers had reported that the mortality there was great, because the barracks were so wet that the men could not be kept dry in their beds. Perhaps I may be told that the cause of the evils I have now described is not mismanagement, but the reluctance of Parliament to vote the money required for the proper accommodation of the troops. This I cannot admit—having sat for nearly twenty years in the House of Commons, I can remember no instance in which a Vote shown to be required for the comfort of the troops was rejected, and I find that it has sometimes happened that, even after money has been voted for objects of great urgency for the health of the troops, its application to those objects has been delayed. For instance, in the island of St. Vincent, the military hospital was utterly inadequate for the requirements of the troops. An estimate for building a new hospital was laid before Parliament; the money was voted, but the new hospital was not finished for nine years after the erection had been sanctioned, and for a long time after the foundations of it had been laid, it was allowed to remain without any progress being made with the work, while the troops were suffering most severely from the want of it. Even then the accommodation it was intended to afford was greatly inadequate. In the same manner, at Antigua, while there were the greatest complaints of the inadequacy of the hospital accommodation, obvious and easy means of meeting the difficulty without incurring any serious expense were neglected. The medical officer, in reporting the distressing consequences which must result from the want of accommodation if sickness should break out, adds :—

> "The abolition of the general detachment hospital, formerly at English Harbour, is much to be regretted. During the last few days those useful buildings, consisting of two large pavilions, extensive offices, staff-surgeon's house, and attached building, were sold in lots by a positive order of the Board of Ordnance. I understand the total amount arising from the sale was but 300*l.*, although above 5,000*l.* was the sum originally expended."

But, my Lords, I have some other facts which illustrate the working of this system. In the year 1825, between 700 and 800 European soldiers were sent to Sierra Leone. Five years before, it had been reported that there were no barracks there fit for the reception of European troops; yet these men arrived before the new barracks intended to receive them were prepared, and had consequently to await their completion, exposed to all the inclemency of that dreadful climate. My Lords, the result is thus described in the report which was made upon the subject:—

> "The scene which ensued baffles all description. The unfortunate men gladly crowded into the rooms as fast as they could be covered in, though the plaster was still wet. Fever of the very worst type was soon generated in such a situation, and before many days had elapsed almost every one was attacked by it. The officers sought refuge in huts, which even the natives had abandoned; the sick, the dead, and the dying were crowded together, and before the end of that year two-thirds of the force were in their graves."

My Lords, that is not all. In order to relieve the great pressure at Sierra Leone, 200 of these unhappy men, for whom no accommodation could be found, were sent to the Gambia. But even at the Gambia accommodation could only be provided for 108 out of the 200, and the rest were kept afloat until room could be found for them. My Lords, they had not long to wait, for in the course of three months eighty-seven, out of the 108 first landed, died, and their places in the barracks were supplied by those who had been kept on board ship. In the course of three months more seventy-three other deaths occurred; so that within six months, 160 soldiers out of this 200, who had been sent from Sierra Leone to Gambia, perished for want of accommodation. The garrison at Sierra Leone being still over-crowded, 200 more men were sent to the Gambia, and before they could be withdrawn, ninety-nine of their number perished. The troops at Sierra Leone afterwards became more healthy, for which the following reason is assigned by the principal medical officer in his report for 1827:—

> "I am inclined to attribute much of the exemption of the troops from sickness to their being better quartered and less crowded in their barracks than formerly. In saying they are better quartered, I mean that the barracks are now seasoned and are become from age a more fit place of residence."

[The noble Earl here referred to the mortality which had occurred among the troops, native and English, stationed at Hong Kong]. My Lords, I assure you these are not isolated cases. They are examples, and examples only, of the results of a general system. I do not blame, as I have said before, those who have had the management of the particular departments—on the contrary, I am convinced that if a good selection of persons to manage these departments could have prevented the evil, the evil would not have occured. My Lords, from 1819 to 1827 the Master-General of the Ordnance was the Duke of Wellington, and the Clerk of the Ordnance was the noble Viscount (Viscount Hardinge) who sits on the bench near me. It was during that very time that the troops were kept in the barracks at Trinidad which had been condemned, and had not been repaired. It was during the time that the Duke of Wellington was Master-General of the Ordnance, and my noble and gallant Friend, if he will allow me so to call him, was Clerk of the Ordnance, that between 700 and 800 soldiers were sent out to Sierra Leone, where there were no barracks to receive them. This my Lords, was but the natural consequence of a system which separates the authority which directs where the troops are to go from the authority whose duty it is to see that they are properly lodged when they arrive at their destination. If the Duke of Wellington had had both departments under his control, and had been responsible not only for sending out the troops, but for providing proper barrack accommodation in the places to which they were sent, does any man for a moment believe these horrors would have occurred? My Lords, from the year 1828 to the year 1830 the same things were going on. In Trinidad, and at various other places, condemned barracks were being occupied under a vague notion of repairs which were never executed, and were ultimately abandoned. Let us, see, then, how the various departments were occupied at that time. The Duke of Wellington was first Lord of the

Treasury; Lord Beresford, who had given the highest proof of administrative as well as professional ability, was Master General of the Ordnance; Sir George Murray was Secretary for War and the Colonies; the noble Viscount near me (Viscount Hardinge) was Secretary at War; and Colonel Stuart, a most distinguished military officer, was Assistant Secretary of the Treasury, and was the person who had charge, in that capacity, of all these matters, so far as the Treasury was concerned. Now, my Lords, it can very seldom happen that all these great offices connected with these several departments can be filled at the same time by men not only of the highest character and ability as civilians, but also as soldiers of European reputation. Yet we see that all this combination of talent and experience, under the existing arrangement of military business, could not prevent the abuses and evils which I have described to your Lordships. All those evils continued unchanged under the Government of the Duke of Wellington as they had done under the preceding Government, and as they afterwards did under the Government which followed—for I claim no exemption for a Government in the reputation of which I take a deep interest—under all these Administrations the troops in the West Indies continued to die at the frightful rate I have described, from improper rations and the want of barrack accommodation.

Now, my Lords, the great importance of the facts I have mentioned is even less in the things themselves, than in the indications they give of the nature of the general system of our military administration. From what I have observed myself, I have not the least doubt that, in all that relates to the clothing and equipment of the troops —to their training and discipline, to the training of the officers, and to the general organisation of the service, especially in respect to the description of arms issued to the troops—I have no doubt myself that in all these matters there has been a great absence of that vigour which there ought to be in the management of an army. But in time of peace these evils of the system do not exhibit themselves very obviously. All you can say at such time is, that there is an absence of improvement; and it is impossible to prove a negative in the same way that you can prove positive mismanagement in those matters which admit of being fairly tested. Now, my Lords, I dare say I shall be met by the argument that my view of the subject cannot be correct, and that the evils I have described cannot be so great, because the British army, after all, has been successful. Noble Lords may point to the glory and the triumphs of the last great war in which we were engaged, and may ask, "Is it possible that an army, mismanaged as you have described, can have gained all this glory, and achieved all these triumphs?" I do not think, if your Lordships look into the matter, that that argument will hold good. On the contrary, I believe that an investigation into the history of the war will tend to make out my case, instead of the reverse. Look at all the early years of the war, and see what a melancholy record it is of misdirected effort. Our soldiers were as brave as they have ever been—blood and treasure were spent in reckless profusion—yet how little were the results that were obtained? My Lords, many books have been published lately which throw much light upon this subject, and in my opinion they establish beyond all doubt the fact that the same things were going on in the war which have been going on since, with unfortunately more disastrous consequences than have resulted from them during peace. I would refer your Lordships to the *Diary of Sir Harry Calvert*, and still more to that most authentic history of the Peninsular War contained in the Duke of Wellington's own *Despatches*, and I will undertake to say that no unprejudiced man can read these books without the strongest conviction of the magnitude of the evils arising from the present system of military administration; nothing is more striking in the Duke's *Despatches* than the evidence they afford of the very great degree to which his difficulties were aggravated by mismanagement at home. My Lords, it is a significant fact which I remember to have seen mentioned, if not in the *Despatches*, undoubtedly in other works, that from this country, so famous for its manufactures, the swords supplied to our cavalry were of so miserable a description, that they were glad to throw them away and to take the swords of the enemy for their own use, wherever they had an opportunity of doing so. My Lords, I know that in the Peninsular War we triumphed; but we triumphed notwithstanding mismanagement at home, and entirely owing to the efforts of that great man to whom the conduct of the war was entrusted. Few persons at the time these great events were in progress were aware how entirely everything depended on the personal energy of the Duke of Wellington, and I know that some very competent judges have declared that it was not until his *Despatches* were published, and they were thus enabled to understand not only how it had been supported, but how much his efforts had been thwarted by the mismanagement of the Government at home, that they appreciated the real merit and value of his services. I say, therefore, that the late war, so far from contradicting, proves the truth of my case; and I have a paper in my hand which still further supports my argument. My Lords, when I was Secretary at War, and while Lord Melbourne's Government were considering the propriety of taking some steps on the Report of 1837, my lamented Friend, Sir Willoughby Gordon, furnished me with a confidential Report, drawn up by him in the year 1810. I do not accurately remember what had led to his writing this Report, but I believe it had been prepared for the use of the Government of the day, and finding many years after that another administration, of which I was a member, was occupied in considering the subject to which his report related, Sir W. Gordon furnished me with a copy of it. This was only one out of many instances in which I was indebted to the personal kindness of that excellent man; than whom—as I am sure all those who were acquainted with him will testify—there never was a more able or conscientious public servant. During the greater part of the war he held a position of great responsibility at the Horse Guards; he was entirely in the confidence of the Duke of York, he knew all that was going on, and he had the best means of forming a judgment on the subject. Now, my Lords, in the Report which he handed me, after describing the various offices in which there have been some partial, but no essential changes, he proceeds as follows:—

"Such is the outline of the duties of the several great officers of the State above mentioned in the management of the military affairs of the empire. Each, to a certain extent, is independent of the other; but it is evident that no efficient military measure of any magnitude can be carried into effect without the concurrence and united efforts of all. Hence has arisen that confusion and clashing of office so apparent in all our great operations—that jealousy between the heads of each office—that delay and continual procrastination in our offensive measures—and, above all, that publicity which has ever attended, and must ever attend, our most secret military enterprises as long as the direction of them continues as at present. The Master General, the Commander in Chief, the Secretary at War, the Paymaster General, are all independent of each other. The Secretary of State is paramount of all, and it is only through his office that either of the above four officers can obtain from each other what they may reciprocally require for the despatch of any great military measure. If the foregoing premises are correct—as in substance, if not to the very letter, they will certainly be found to be—it follows as a direct conclusion that these obstructions to the public service can only be removed by the power of all the separate offices being placed under one general and controlling head. The placing of any one of these offices in commission (for instance, that of the Commander in Chief) would not tend to facilitate the public business, or in any manner relieve the difficulties which have been stated, because his office forms but a branch of the administration of military affairs; and, perhaps, by lessening the unity of direction in that single office, isolated from the others, the evil would be rather augmented than diminished. If, however, any advantageous change could be made in the management of this mass of business, the first step towards the attainment of this object would be to place the powers of each of the following officers, namely, the Secretary of State for War, the Commander in Chief, the Secretary at War, the Master General of the Ordnance, and the Paymaster General, into one great office, each officer transacting his own department business like the Ordnance Board, but the whole conferring together and acting under the presiding influence of a Principal Secretary of State. From this arrangement the principal executive offices would undergo little or no change. The business of the undermentioned offices would be exactly the same as at present, namely, the Commander in Chief's Office, the War Office, the Ordnance Office, the Paymaster General, the Adjutant General, the Quartermaster General, the Commissariat, the Medical Board. The whole of the object of this proposition has been to consolidate the business relating exclusively to the military affairs of this country, which is now done by several departments, into one department, where it could best be conducted, with equal power as to skill and information, and with greater accuracy, despatch, and unity of system, and, consequently, at less expense. The principle has only been laid down in the foregoing observations, but if that be well considered, and resolved upon, the details will not be difficult to manage."

My Lords, this opinion, written confidentially for the information, I believe, of the Government of that day, in the very height of that great contest in the Peninsula, by one of the officers who had the best means of forming a judgment on the subject, is a document, I think, entitled to the greatest weight. I can, from my own experience, corroborate Sir Willoughby Gordon's opinion as to the difficulty which arises in all military matters from the present arrangement. It is quite true that while I had the honour to hold the office of Secretary at War I had no very great experience of it, for there was nothing like war to any considerable extent. But I was Secretary at War when it became necessary to send large reinforcements to Canada in 1837 and 1838, and I was Secretary of State during the late and the previous Kafir war, when we had to send reinforcements to the Cape; and I can assure your Lordships that on all these occasions, in the one capacity and in the other, I became painfully sensible of the extreme difficulty and inconvenience which result from the present constitution of those departments. Now we are engaged in a far greater war those difficulties will be increased tenfold. Those of your Lordships who have listened to the statement I have made must feel with me that it is utterly impossible for the Secretary of State, charged with the management of our Colonies, to devote his attention to military affairs in such a manner as to keep the different independent departments, which must concur in every arrangement, in such harmonious co-operation with each other as to give vigour and effect to any measures adopted. And, my Lords, I will say this, that if the noble Duke now at the head of the Colonial Department did not open a single colonial despatch—if he were to put aside altogether, or entrust to other persons the whole of the civil business of the office, even then his office does not contain the information, it does not afford him the assistance, which are indispensable in properly conducting this all-important branch of the service. It is essential, in my opinion, that the details of the expenditure of the Army should be managed and should be considered in the same place, under the same roof, and under the same superintendence, as the general measures relating to the employment of the Army. The separation of the authority which has to prepare the estimates and to control the expense of the Army, from that which has to decide what troops are to be employed on any given service, and in what manner any demands for military force which may arise are to be met, must necessarily be attended with great inconvenience. None but those who are conversant with the financial part of the subject can judge how any required service may be performed both with efficiency and economy; for the expense of sending the same amount of force to a given place may often be increased or diminished by the more or less judicious manner in which it is organised, and the circumstances on which the propriety of adopting one management rather than another, are often only fully known in the department to which the control of military expenditure is entrusted. In illustration of this, I may mention what occurred upon an occasion to which I have already referred—I mean the Canadian insurrection. When that insurrection broke out, and reinforcements were called for, the arrangement as to the troops to be sent out having been made between the Secretary of State and the Commander in Chief, was communicated to me, who, as Secretary at War, would have to prepare the estimates. I saw at once that it involved a much larger increase in the estimates than was at all necessary; and that by sending out a brigade of Guards instead of regiments of the line, and adding to the strength of the regiments already in Canada, instead of sending out fresh regiments, the required increase of force where it was wanted might be provided for with much less interference with the regular relief of regiments serving abroad than would otherwise have been inevitable. As at that time the pressure of the Colonial service was such, that it was a question whether an augmentation of the army, which was not otherwise wanted, would not be necessary in order to furnish reliefs for the regiments abroad, it is obvious that the alteration in the mode of furnishing the force for Canada, virtually diminished the demand for an increase of the Army. Of course my suggestion was adopted, but not until there had been a great deal of private and official correspondence. Had the business rested in one department, the matter might have been settled in a quarter of an hour by any capable person. In time of war we have not time for this cumbersome and ineffective mode of conducting the public business—promptitude and dispatch are of the first importance in every operation.

I am told that an additional Under Secretary of State has been appointed to assist the Secretary of State; but whilst I have no reason to doubt that a good selection has been made by Her Majesty's Government, I am sure if the best officer in the service were appointed the measure must be altogether inadequate to meet the difficulty. I have no doubt the appointment of this additional Under Secretary of State may mitigate the evil, but I am quite sure that he cannot remove it. It is my strong conviction that the present arrangement ought not to continue—that it is absolutely necessary to adopt some effectual arrangements for improving the organisation of the departments connected with the administration of the Army—and it is for this reason I have brought the subject before your Lordships. I feel, perhaps, more strongly upon it than most persons, because for more than twelve years, as Secretary or Under Secretary of State, or Secretary at War, I have had opportunities of seeing and lamenting the evils I have described. I can only say it is utterly impossible to describe to your Lordships the painful manner in which these things used to weigh upon my mind as Secretary at War. I entertained the conviction then that reforms and improvements were necessary which it was out of my power to carry, but which could have been accomplished with the greatest ease had it not been that the cumbrous organisation of the departments most effectually defeated all attempts to introduce them. Every little step that was attained was attained at the cost of I know not how much correspondence and delay, and the difficulties to be encountered in endeavouring to correct abuses are so irksome that too often the struggle to introduce improvements has been abandoned in despair, and even zealous reformers have been forced to acquiesce in the opinion that it is better to let things alone. Such is the real excuse to be offered for every different Government, which has allowed the old routine to continue. I say it with sincerity, that the officers of these departments are not to blame. It is the system which is to blame; and while that system continues we shall never get rid of the inconveniences which arise from it. That the evil is capable of remedy—that without any serious delay, an effectual reorganisation of these departments is perfectly practicable, I have not the slightest hesitation in asserting. Various plans have been proposed by which it can be done. I believe any one of these would be a vast improvement on the arrangements which now exist. I care comparatively little which of these you adopt; at the same time I am bound to say I have a decided preference for one. I believe, in the administration of the Army, we ought to take as our model (but with some corrections and improvements) the system now in force for the administration of the Navy. I believe all the various business now entrusted to many different and independent departments of the State, should be placed under one Board presided over by a Cabinet Minister of the same rank as the First Lord of the Admiralty. I know it has been objected that Boards are very ineffective and cumbrous pieces of machinery for the transaction of business. If the whole business of the department is to be transacted by a Board as a Board, and if the opinion of each member is to have equal weight, I quite agree that that objection is sound; but the First Lord of the Admiralty is always considered practically responsible for the whole conduct of the department, and the junior members are regarded as subordinates, whose duty it is, in all ordinary cases, to defer to his opinion; and if at the same time there is a distribution of business among several members of the Board, in such a manner as to obtain the advantages of division of labour and unity of purpose, combined with the superintendence of one head, I believe great advantages arise from that arrangement:—and this among others—that the professional members of the Board of Admiralty, though it is their duty, and though they do most properly defer in all ordinary cases to the opinion of the First Lord, are yet not bound to concur in anything which they consider detrimental to the service to which they belong. Their presence at the Board is a most valuable security to their brother officers that the interests of the profession shall not be neglected; and thus, without interfering with the necessary vigour and unity of purpose in the conduct of the department, which can only be obtained by its obeying the impulse, and acting under the direction of a single mind, you have an effective responsibility of the Government to Parliament, and, at the same time, that qualified responsibility to the opinion of the service which I believe ought to exist in the management of the Navy. It seems to me in the Army you want precisely the same thing. You want that union of professional and non-professional minds, that responsibility to Parliament which is necessary on behalf of the Government, and also the means of assuring the profession that their interests will not suffer. The scheme of having a fourth Secretary of State to whom the department of the Army is to be entrusted, does not seem to me so proper an arrangement; and I may illustrate my reason for thinking so by reference to the Admiralty. The proper business of the department, whatever it may be, to which the Army may be entrusted, would be to create a useful instrument to be employed by the Government. With the purposes to which it is to be turned, the department should have nothing to do. In this respect the department having the control of the Army ought to be placed precisely on the same footing as the Admiralty. It is the duty of the Admiralty to provide an efficient Navy for all the services for which it may be required; but that being provided, it is for the Government to prescribe to the Admiralty the service on which it shall be employed; and this is done by one of the Secretaries of State, who, as the organ of the Government, signifies to the Lords Commissioners of the Admiralty, the Queen's commands as to the services to be performed by Her Majesty's ships. If disturbances were threatened in any part of the United Kingdom, as we have sometimes known from strikes among the seamen, or from some similar cause, so that the presence of a ship of war were considered necessary, the Secretary for the Home Department would signify the Queen's commands that one or more of Her Majesty's ships should proceed to the point of danger to assist in preserving the peace. Sometimes it is some foreign Power refusing to make reparation for wrongs done to a British subject, and then the Secretary for Foreign Affairs signifies the necessary orders for instituting a blockade, or adopting some other mode of coercion. Sometimes, one of our colonies has to be defended, and then it is the Secretary for the Colonies who signifies the Queen's commands for the required service. So it now is with regard to the Army, and so it ought to continue to be under any new system of administration. If additional troops are required in the manufacturing districts, the Home Secretary, under the present arrangement, would send the proper orders to the Commander in Chief; if a new Army Department were instituted, he would send the same orders to that department; if troops were required in the colonies, it would be the Colonial Secretary; and if for foreign service, the Foreign Secretary who ought to give the orders; and it seems to me that, as is now the case with regard to the Admiralty and to the Commander in Chief, the three Secretaries of State ought to be able to signify the Queen's commands to the department, whatever it may be, that is entrusted with the general organisation and care of the Army, that department confining its labours to providing an efficient military force for any purpose which may be required, in providing which there will be plenty of work upon its hands. But one Secretary of State can hardly signify the Queen's commands to another Minister of the same rank; therefore, if a board be objectionable, and the department be entrusted to a single Minister, I think it should not be a fourth Secretary of State, but the Secretary at War, with the functions of his office altered and enlarged, with under secretaries whose duties would be very much the same as those of the junior members of a Board, and it seems to me it would be better that they should be called a Board, though I do not think it very material by what name they may be called. I have stated thus much of my own views, and I have given a very slight sketch of the alterations I should recommend, and the grounds on which I should do so, because I felt it would be scarcely proper, having insisted on the necessity of change, if I had failed to point out some mode by which it might be accomplished. Still, I know this is not the proper time for discussing different plans, and I, therefore, purposely avoid going further into the consideration of the comparative merits of the various measures which have been suggested. All I want to do now is to call your Lordships' attention to the fact that some considerable change is indispensably necessary. It is not improbable that Her Majesty's Government may hit on a far better scheme than I have ever thought of; but that in some way or other this matter ought to be taken in hand without delay I am perfectly convinced, because I am persuaded this war will not last many weeks without our feeling most seriously the ill effects of the present system. My Lords, I cannot help fearing that we are beginning to feel those effects very seriously already. I am not my Lords one of those who listen to the gossip of clubs, or the idle stories which circulate out of doors, and I have no doubt that the tales which have reached my ears of contradictory orders having been given, of instructions being issued one day and recalled the next, of want of firmness and want of some settled purpose apparently in those who are guiding the administration of affairs at the present conjuncture—I have no doubt these tales for the most part are the idle fancies of those who see part only of what is going on, and are ignorant of the reasons. I am anxious to give Her Majesty's Government full credit for having had good reasons for this measure, which I do not at present understand, and I am willing to hope that they have done all that is possible under the circumstances; but still, making all due allowance of this kind, I cannot help believing we are already feeling the effects of the system. One of the mistakes alleged to have been made is not very important in itself, but most important as indicating what is going on. It has reached my ears—and I am afraid I cannot doubt that it is true, that a Highland regiment received instructions to furnish volunteers to the first regiments ordered on duty to the East, and within three weeks of having furnished 100 volunteers in obedience to that order—for there is no difficulty in obtaining volunteers among brave British soldiers where it is a question of fighting—that regiment itself was ordered for the same service, and was ordered to make up those 100 men which it had parted with, besides some additional men. I can only say, if such is the fact, it is impossible to conceive a grosser instance of mismanagement. Every man who has the slightest acquaintance with military transactions must know that 100 men taken from their own regiment and sent into a new one, are of infinitely less use than they would have been if left with their comrades and officers whom they know, and that a regiment, which has so parted with 100 men, is not easily brought to the same state of efficiency as if it had retained its own men. Well, but, my Lords, in three weeks had there been any change of circumstances? I can see none. There may have been a change of plans, I grant, and that is precisely what I fear. I fear that, without any real change of circumstances, under the present arrangements, you will have frequent changes of plans, and if one thing is more fatal than another to efficiency in the conduct of military operations it is unnecessary changes of plans. I will not pursue the matter further, but I will repeat what I have already told your Lordships, that I believe we are already feeling the ill effects of the present system.

There is one more topic on which I think it necessary to make a few remarks before I conclude. There is an objection which applies equally to every one of these proposed modes of alteration—whether it be the creation of a Board, or the appointment of a Fourth Secretary of State—which is urged on such very high authority—such commanding authority I may say—that it is absolutely necessary I should offer a few words upon it. It is the common aim of every one of the plans proposed for improving our military administration to concentrate the powers now divided, and thus give the Government more perfect and complete control over the administration of the Army. But it has been urged as an objection to any plan of this kind, that the effect of giving to the Government more complete control over the management of the Army would be to give control to Parliament, and especially to the House of Commons, and it is alleged that this would be unconstitutional, inasmuch as it would involve an invasion of the Royal prerogative. It is said that the Crown ought to have the sole and exclusive command of the Army, and that anything which should admit of the interference of the House of Commons with that command would be in the highest degree dangerous. I have stated as well as I can the objection I have heard, but that objection seems so unsound, I might almost say so incomprehensible, that I do not feel perfectly confident I have stated it correctly; but such is the manner in which I understand it. Upon this subject I will remark that, it is quite true the Crown ought to have the sole and exclusive command of the Army; but the Crown ought equally to have the full and exclusive command over every other branch of the Executive Government; and if either House of Parliament were to attempt to take any branch of the executive power out of the hands of the responsible servants of the Crown—if Committees were appointed to execute administrative duties, as in the time of the Great Rebellion—that, I say, would be a very dangerous invasion of the Royal prerogative, and a departure from the principles of the constitution. But there is no distinction, that I am aware of, between the military and any other branch of the executive authority of the Crown; and if the rule I have mentioned holds good in all cases, there is also another rule which holds equally good, and that is, that none of the powers of the Crown are to be exercised except by the hands of some responsible Minister, and that Parliament is perfectly free to tender advice to the Crown as to the manner in which any powers vested in the Crown should be exercised. This I hold to be no less undoubtedly consistent with the constitution than that the Crown should have the command of the Army and every other branch of the Executive Government. If there is anything further intended, I wish your Lordships to consider what would be the result. Is it really meant that the Crown should exercise, with regard to the Army, some personal power, different from that which it exercises in any other branch of the Executive Administration? Is this contended for? Then, what follows? Some person must be responsible for the manner in which this power is used; and would it be convenient in a war—possibly, a disastrous war —that the Crown should be held personally responsible, without the shelter of its servants, for any mistakes in the conduct of that war? It seems to me such a proposition cannot be supported for a moment. Shall I be told that it is not the Crown personally whose power is to be maintained, but the power of the Commander in Chief —that the Commander in Chief ought not to be brought into too close connexion with Parliament? If that be so, there seems to me to be an end to the objection of the invasion of the rights of the Crown. The only question is, whether the Crown shall exercise power through one servant or through another; and it certainly appears to me neither convenient for the public service nor very safe for the Commander in Chief himself that he should have the sort of independence which some persons contend for. I say it would not be very convenient for the public service. How can the Government, being responsible to Parliament for the amount of the estimates, and for the economy with which the public service is conducted, be irresponsible for the manner in which the most public money is expended upon the Army? If responsibility to Parliament means anything, it implies a responsibility that the greatest possible amount of efficiency shall be obtained for a given outlay; but if they have no control over the organisation and administration of the Army, how can the Government be held responsible for its efficiency? And, again, with regard to the Commander in Chief, would it be very safe for him, in case of any disasters occurring, that he should be held solely and personally responsible—that he should be supposed to be independent of the Government of the day—that they should not be bound to adopt his proceedings and to defend him from the attacks to which he may be exposed in Parliament? I think, no man, having any experience or knowledge of the world, would consent to hold the office of Commander in Chief upon such terms. But if the Government is to be responsible, it must have the power. Power and responsibility are inseparable—they must go together; and you cannot make the Government responsible for the way in which affairs are managed if you do not give to it the effective power of enforcing the management of these affairs according to its judgment. I can support my opinion on that subject by an authority the weight of which, I am sure, will be acknowledged by every one of your Lordships. Some months ago, in reading over my father's correspondence, I met with a letter addressed to him by Lord Grenville, dated the 12th of January, 1812, written in contemplation of an overture which there was at that time reason to expect would be made to him and my father to come into office. In this letter, which I must say struck me as being altogether a most admirable one, Lord Grenville states his views upon various points which would require to be considered if he were called upon to form an Administration, and in doing so, on the subject of the Army, he expresses the following opinion:—

> "As to the Duke of York's situation, and the management of the Army, delicate as the subject is, I do not see how we can consent that the new reign should, by our advice, be established on the same footing as the former—that of keeping the military administration distinct and independent of the civil government. It is a bad principle, even under an absolute monarchy. It is totally incompatible with the principle of a limited Crown."

Considering Lord Grenville's abilities, his constitutional knowledge, and the high offices he had held during the war, I think that opinion from him is almost conclusive. I wish I could give your Lordships the answer to that letter, but I am not in possession of it. This, however, I may say with perfect certainty—it must have been in entire concurrence with the opinion of Lord Grenville. I hope I have sufficiently disposed of the constitutional objection; and I am sure that the argument cannot be admitted for one moment that Her Majesty's Government for the time being are not to be held responsible for the management of the Army. But this is not a mere matter of opinion—it is a matter of fact; and I ask your Lordships, whenever any difficulty has arisen, when anything has gone wrong in any branch of military arrangements, has not the Government of the day been compelled to hold itself responsible to the country? Was not the

Government of the day held responsible for the planning, the officering and conducting of the unfortunate expedition to Walcheren? We all know that they were; and I may refer to many instances of a more trifling nature to show that whenever the smallest difficulty occurs the military authorities must come to the civil Government, and lean on its authority and responsibility; but the inconvenience of the present system is that they do not come at the right time; and when military authorities act independently of the civil Government, it is impossible to administer important affairs with the necessary vigour and energy. When I held the office of Secretary at War there were many things in which I was called on to interfere which, according to the theory which is held as to the distribution of authority between the different departments, were quite out of the circle of my proper duties. We are always told that the Secretary at War has nothing whatever to do with the discipline of the Army, and many gentlemen treat it almost as an impertinence for him to express an opinion on the subject. But when a difficulty arises on a question of discipline, who is the person to whom the military authorities immediately have recourse? The Secretary at War. I may mention several instances. Whilst I held the office there was much discussion as to the practice of the troops wearing side-arms. Several unfortunate cases had occurred of wounds inflicted by soldiers with their bayonets during affrays at public-houses. The subject was discussed more than once in the House of Commons, and at first there was very great reluctance on the part of the military authorities, in which I participated, to make any change in the long practice of the Army. But at length I was satisfied the change ought to take place, and accordingly, with the concurrence of my Colleagues, having made my opinion known to the Commander in Chief, a general order was issued to carry it into effect, the draft of which was previously submitted to my consideration and approval. With regard, again, to the important subject of corporal punishment, all know how much anxiety was felt on the subject. For several years it was very much discussed in Parliament, and Motions were annually made and supported by large minorities on occasion of the introduction of the Mutiny Bill for entirely dispensing with it. It was my duty to look into that question, and I was satisfied it was not safe altogether to deprive the officers of the Army of the power of inflicting corporal punishment; but I was equally satisfied that the power must be greatly restricted, and that that which was left of it must be exercised in much greater moderation than hitherto. I was convinced this could be accomplished by introducing other modes of punishment, and also by providing what had been hitherto neglected—the means of rewarding the good soldier as well as punishing the bad. I communicated with the Commander in Chief, and a very protracted correspondence took place. The Commander in Chief's opinion was not, in the first instance, by any means favourable to the measures I recommended, but, very wisely and very properly, he ultimately acquiesced. The result was, the good conduct warrant, as it was called, was issued, and the power of military punishment was greatly restricted. That has been carried still further, and the result has proved most advantageous to the Army. All know that the good-conduct warrant has worked extremely well, and the diminution of corporal punishment has been most beneficial, the discipline of the Army having improved under it. There was another case, a very important case, upon which a difficulty arose—as to the re-appointment to full-pay of an officer who had been reduced to half-pay, and upon which I was called upon to interfere. Certainly, that did not fall within the natural functions of the Secretary at War, and yet the restoration of that officer could not take place until it had been ascertained from me—after having been pressed upon the subject more than I liked—that the Government was prepared to support it. These instances prove that it is totally impossible to separate, as some persons contend, the military from the civil administration of the country, and that the Government, which is responsible for the general conduct of affairs, must have control over those by whom the authority of the Crown over the Army is exercised. I believe that I have now concluded all the observations necessary to make. If, in doing so, I have taken up too much of your Lordships' time, my apology must be found in the deep conviction I entertain, that the present is a time when the question has risen to an importance which it never attained before. I am persuaded that all that is necessary to insure the accomplishment of the reform I advocate, is to make the country understand the necessity for it, and I believe that, from the accident of my having held different offices in the State for several years, I have had more experience in connection with this question than has fallen to the lot of most men, and better means of judging of the working of this system which I call upon the Government to change. I beg to move an Address for the following papers, to the production of which I conceive there can be no objection:—

> "Copies of any correspondence between the different Departments of Her Majesty's Government with respect to any Additions which have been made to the Department of the Secretary of State for War and the Colonies; and also with regard to any Changes which have been made in the Transaction of Business relating to the Administration of the Army."

THE DUKE OF NEWCASTLE: My Lords, before I proceed to make a few comments on the speech of the noble Earl, I believe it is almost unnecessary for me to say that, on the part of the Government, there is no objection to the production of the papers for which he has moved. I can assure the noble Earl that I am very sincerely sensible of the truth of his last remark—that he possesses greater experience, certainly than any other civilian, of the subjects of which he has treated; and I am equally sensible that I am very incompetent to reply to him, because I am aware that my experience is very slight indeed, and only in one of the departments in which the noble Earl has gathered his knowledge. I am not about to attempt to controvert the statements the noble Earl has made, still less will I attempt to deny that there are faults in the system under which the Army is governed. Faults, I apprehend, may be found in every system and every department of Government. We see daily and yearly changes effected which I believe are improvements in all those departments, and it would be strange, indeed, if the department of the Army was the only one in which changes could not be introduced with advantage. I say, therefore, I am not about, on behalf of the Government, to deny the necessity for any change, or to attempt to establish the fact that the administration of the Army is blameless. But really—I say it with all deference—I do not think the noble Earl has established his case in the multitude of instances he has introduced. The noble Earl has not proved that Government abuses have occurred within a very few years, and that those abuses have not been taken in hand by the department more especially entrusted with its management. He has not shown that those abuses are of recent date. On the contrary, almost all those cases, harrowing in themselves and painful to listen to, of the great mortality of regiments quartered in unhealthy climates, are of remote date, and so far from establishing that the system has been at fault by those instances, he has proved that abuses under the present system can be, and have been, remedied. I am not saying at present whether the system is good or bad; but I wish to point out that these instances, with which the Commander in Chief is more conversant than I am, can no more be considered condemnatory of the administration of the Army than can the instances which my Lord Shaftesbury periodically introduces to this House as illustrations of the sanitary state of the country, be considered to prove the maladministration of the Home Office and the necessity of change in that department. The noble Earl quoted, in the first instance, the frightful mortality for a period of twenty years, ending thirty years ago, in Jamaica. That abuse has been remedied. It should also be borne in mind that that mortality took place at a time when medical science had not advanced to its present state of perfection, and when the medical department of the Army was greatly neglected. Moreover, as far as the instance of Jamaica was concerned, the great mortality occurred when barracks did not exist in the healthy parts of that island, and before the unhealthiness of the former stations had been established. The attention of the Government was immediately directed to that great mortality, and the evil was remedied as soon as possible; so that, as the noble Earl himself acknowledged, the number of deaths was reduced from 130 in 1,000 to something like 30 in 1,000. Surely the noble Earl does not mean to say that that fact is condemnatory of the present system? But, my Lords, I would ask, how is it possible to provide against such disastrous calamities in an unhealthy climate like that of Jamaica? Only last year, in the comparatively healthy island of Bermuda, a far greater mortality took place than that to which the noble Earl has referred as having occurred some forty years ago. Has there been any mismanagement or any want of inquiry into that mortality? Quite the reverse. I can assure the noble Earl that, upon hearing of that distressing calamity, I immediately took measures, in conjunction with the Treasury, for making the most complete and thorough inquiry into that disaster, for remedying it in the present and for correcting it in the future, so far as human power and ingenuity can deal with an epidemic of which medical science at present really knows nothing. Again, the noble Earl has referred to what took place at Hong-Kong; but surely the noble Earl does not mean to assert that, because there has been a great sacrifice of life at Hong-Kong, it could have been obviated by some other system. [Earl Grey: Hear, hear!] That is not my experience. I have now been fifteen months in the office which the noble Earl formerly held, and I can safely say that the greatest possible attention has been paid to that case; but the noble Earl must know perfectly well that when, for a great imperial object, it is considered necessary that a garrison should be established in any particular part of the world, it is inconsistent with the duty of those who are entrusted with the Government of the country to withdraw that garrison without adopting every means in their power for preventing the necessity for its removal. As regards the garrison of Hong-Kong, one of the first steps I took, finding the Cingalese were the most unhealthy of all, was to withdraw them from that place; and to that measure the existing system offers no impediments and the thing was done at once. As regards the English regiments quartered there, I found steps in preparation for sending an hospital-ship to Hong-Kong, in order to assist in restoring the health of the troops, so that we might be enabled to retain a garrison there; and would it, I ask, have been consistent with my duty to withdraw that force until every attempt had been made to reduce the mortality? It was with the deepest regret that I heard, post after post, of the sickness which prevailed in that regiment. We tried the hospital-ship, but unfortunately the experiment has not been successful. What has been the consequence? In conjunction with my noble Friend the Commander in Chief I have decided to bring that regiment home. Have we met with any obstacle, any impediment to that proceeding? None whatever. The moment it was ascertained that the regiment could not remain in Hong-Kong without a great sacrifice of health and life, it was resolved to withdraw it. The noble Earl referred to another case, which I confess I listened to with some pain, because it did appear to me to impute blame to that great man who is gone, and whose memory we must all cherish with reverence and respect, not merely for his great military achievements, but for the concern he ever showed for the health and happiness of the soldiers—I refer to the case of Sierra Leone. Unless I am greatly mistaken, that was a case in which some soldiers were sent out to the unhealthy coast of Africa before barracks had been erected. Now, will the noble Earl say that in any great emergency—in a case in which the honour and dignity of the country are concerned—we are not to run such risks, or to send soldiers to an unhealthy district, even though it may not at the time be provided with barracks for their accommodation? I will not go further into the case, upon which the noble Earl dwelt so long as being connected with the health of the Army, and by which he endeavoured to establish the position that the whole of these evils might have been avoided if some other system had prevailed at the different times to which he has referred. [Earl Grey: Hear, hear!] The noble Earl has alluded to his correspondence with the Treasury in 1836, and he seems to complain that the very judicious and desirable amendments which he suggested were not carried out till one year after he had recommended them. Now, let me ask the noble Earl this question—in the alterations which he now proposes, does he intend to supersede, with respect to the administration of the Army, that control as regards financial matters which the Treasury exercises over all the other departments of the public service? If he has that intention, *cadit quæstio*—I have no longer a right to argue with him; but if he does not mean to withdraw that control from the Treasury, then, I say, the case which he has brought forward of his correspondence in 1836, has nothing to do with the question. I will admit at once that, as regards those delays to which the noble Earl has referred, the Treasury is a great obstacle, and even that it acts sometimes capriciously, but, generally speaking, from an honest desire to prevent undue expenditure of the public money. It is impossible to deny that great mismanagement prevailed during the last war; and the noble Earl has said that that mismanagement was entirely attributable to the system which then prevailed, and which to a certain extent, though not entirely, prevails at the present moment. To substantiate that position the noble Earl quoted the opinion of Sir Willoughby Gordon, a very eminent military authority, undoubtedly; but I think nobody who has read the history of those times—nobody who has read the despatches of the Duke of Wellington himself—nobody who is acquainted with the affairs of the Army, and with the last war, can doubt that the evil was much more deeply rooted than the system to which the noble Earl has referred, and that any mismanagement which took place was not attributable to that system, but would have been just as likely to have occurred if the system which the noble Earl recommends had been established during the whole of the last war. I readily admit that there are great theoretical objections to the present administration of the Army; but I must say that if we look, not to the theoretical objections, but to the practical working of the system, except in some few isolated instances, I do not think we shall find the abuses so great, or the evils so alarming, as the noble Earl has attempted to represent. The noble Earl, about the close of his speech, combated an argument which he said had been put forward against his proposition, namely, that the proposed change ought to be avoided, because it would be requisite to take the administration of the Army out of the hands of the Crown and to place it in the hands of Parliament; and he contended that, both theoretically and practically, the Government is responsible for the administration of the Army. I apprehend it is perfectly unnecessary to argue that case. I do not think any man can doubt the position of the noble Earl. When objections are raised to placing the administration of the Army in the hands of the Secretary at War, it is not because there is a desire to prevent the Government being responsible for the management of the Army, in the same way as it is responsible for the administration of all the affairs of the country; but it is because the Secretary at War, as at present constituted, is particularly and especially, if I may say so of any man holding an office under the Crown, the servant of the House of Commons. The Secretary at War must always be a Member of the House of Commons. I apprehend the Secretary at War cannot occupy a seat in your Lordships' House. The Secretary at War is particularly an officer of the House of Commons, and it is his business, on behalf of the House of Commons, as the guardians of the public purse, to take care that the expenses of the Army are put under proper control; and I contend that a Minister who has this duty to perform is not the proper officer to be entrusted with the responsibility of the executive of the Army. I think there is a broad distinction between handing over to an officer of the House of Commons the executive duties connected with the administration of the Army, and maintaining that the Government is not responsible for that administration. Whilst upon this subject of the position of the Secretary at War, I must say that I believe the important duty with which he is now entrusted, namely, the economical administration of the Army, would be entirely frustrated if you were to throw upon him executive functions. If you throw upon the War Minister duties which you attach to the Commander in Chief, I apprehend he will be induced to look at no other object but that of the greatest efficiency of the service over which he is placed, unchecked by economical considerations and uncontrolled by the Treasury—a system which could not fail to lead to extravagance. The noble Earl did not dwell at any great length upon a portion of this subject on which great stress was laid on a former occasion, namely, that department which is at present in the hands of my noble Friend Lord Raglan. The noble Earl did not detain your Lordships long upon the measure which has been proposed with regard to that department, although he touched upon it slightly more than once; but as others who are to follow on this occasion — especially my noble Friend behind me (Lord Panmure), who has paid great attention to the subject, and who, next to the noble Earl, has probably had the greatest experience—are likely to refer to it, I would venture to make one or two observations upon that point, feeling, as I do, that the amalgamation, or consolidation, or—as it is called by one person who has written on the subject—"accumulation" advocated by the noble Earl, and which I apprehend would go to the entire abolition of the office of Master General of the Ordnance, would be an impracticable and undesirable measure. There never was a moment at which it was more manifest that the Ordnance is as essential as a naval as it is as a military department.

THE EARL OF ELLENBOROUGH: I believe it is even more essential as a naval department.

THE DUKE OF NEWCASTLE: The noble Earl says, he believes it is even more essential as a naval department. I am not sure that he is not right; and although this office is looked upon as a military office, a sort of adjunct to the Horse Guards, so far is that from being the case, that if the military functions of the Master General of the Ordnance were to be devolved on the Commander in Chief, it would be absolutely necessary to annex to the department of the Admiralty an office which should have the control of the ordnance of the Navy. On referring back, so far as I could find time to do so, since the noble Earl gave notice of this Motion, to the various Reports and suggestions which have been made upon this subject, I have been very much surprised at the conflicting nature of all those recommendations. In 1834, a Committee of the House of Commons sat upon this subject. In 1837, the Commission to which the noble Earl has referred was appointed. In 1849, a Committee of the House of Commons was again appointed, and was presided over, most ably and beneficially to the public, by a noble friend of mine, Lord Seymour. Every one of those Committees and Commissions have made recommendations not only not similar the one to the other, but in many respects entirely opposite to one another. I gather from these and other sources four definite and distinct plans which have been proposed in regard to the Ordnance Department. One is, that the Ordnance Department should be entirely abolished and incorporated with the Commandership in Chief at the Horse Guards. The second is to divide the civil and military duties of the department, leaving to the Master General of the Ordnance the military duties, and transferring the civil duties to the Secretary at War. The third plan that has been proposed is that what I may call the *personnel* and *matériel* of the Ordnance should be divided—that the whole of the men of the artillery force should be united under the administration of the Horse Guards, and that the management of the great guns and the arms should still be retained in the hands of a separate department, whether you may call it the Ordnance Department or not. The fourth plan, which certainly is one affecting very little alteration, but which I believe to be more likely to be beneficial than any of the others, is that the Ordnance Department should be kept as it stands, with the exception of placing it on the same footing as the Army, so far as the supervision and checking the accounts is concerned. Now, my Lords, I was struck with the significant cheer which proceeded from my noble friend behind me (Lord Panmure) when the noble Earl touched upon the subject of the Commissariat. I have already observed that the peculiar duty appertaining to the Secretary at War is a valid reason why executive duties should not be put upon him. I think, in justice to that argument, I must admit that it is hardly proper to entrust the Commissariat to the Treasury. The Treasury, undoubtedly, is a department which has a control over the expenditure of every branch of the public service; but this, I believe, is the only instance in which executive duties devolve upon it. Well, I say at once, that that is a fair question to raise, and that it is worthy of consideration whether any more effective arrangement could be adopted; but at the same time I am sure my noble Friend behind me is not ignorant of the fact that this is a subject upon which the Duke of Wellington—and to his opinions we ought to bow in such matters—felt very strongly, and I have myself seen in the handwriting of the Duke of Wellington the strongest possible assertion of his conviction that it was most desirable that the Commissariat should remain in the hands of the Treasury. But I believe my noble Friend, and the noble Earl also, would wish the Commissariat to be abolished altogether. That, at any rate, I understand to be the opinion of my noble Friend. I cannot concur in that view. I must say, however much a Commissariat may be wanted in a time of peace, in a time of war it is absolutely essential, if wars are to be conducted by this country upon that honourable principle upon which we have hitherto conducted them—namely, not to live upon the country in which we are waging war, but to pay for everything we take. ["Hear, hear!"] My noble Friend seems to agree with me that a Commissariat is necessary in a time of war. Will he maintain that upon war suddenly breaking out, and it being necessary to send a large force to a foreign country, you could establish that force, and organise a Commissariat, so as to enable it to execute great operations, if you had not the requisite machinery constantly in operation? I say it is not possible; and although I am not prepared to show or to assert that there may not have been some abuses in the Commissariat, or that greater reductions might not have been made in the expenses of that department, yet I think it is of the utmost importance that a Commissariat should be maintained. Let me also remind your Lordships that whatever we may think of war, this country is really very seldom free from some military undertaking or other. We are in possession of between forty and fifty colonies; there is a war in one or another of these colonies in the course almost of every year, and for these wars a Commissariat has been found to be absolutely necessary. Will my noble Friend, or the noble Earl, maintain that in the last years of the Kafir war, heavy though the expenses were, our operations could have been carried on so economically as they were if we had not had an organised and efficient commissariat? I can only speak from the experience of the last fifteen months, but I say most sincerely that I should look with much less confidence than I do to the departure of that force which is about to be despatched to the East if it were not possible to send with that army, I believe, as capable, as intelligent, and as able a body of Commissariat officers as ever accompanied an army into the field. And here let me make this remark. One of the very first steps which I felt it my duty to take, upon the determination of the Government to send a force to the East, was to send for the officers of the Commissariat Department, feeling that one of the first essentials was to put that department on the best possible footing. They were told that their services would be required abroad. A large number of them have already repaired to the scene of operations, and are now engaged in making the necessary arrangements for the troops. Now, I have no hesitation in saying that if we had had to run about the town and to search for gentlemen capable and willing to undertake this duty, many days, probably many weeks, would have elapsed; and, after all, we should not have had the certainty which we now have, from past experience, of the efficiency of the officers who have gone to the East. The noble Earl has spoken of the want of promptitude and harmony which prevails in the administration of the Army. As regards promptitude, I must again repeat that all the instances he has given of delay are attributable to that which attaches to all the departments of the Government, namely, the control of the Treasury, and that unless you abolish the control of the Treasury you cannot get rid of that which causes delay. As regards harmony, I will only say that the noble Earl has been unfortunate in his experience; I cannot, from my own, corroborate the statement of the noble Earl. With respect to promptitude, I may mention that, in the evidence which was given by my noble Friend behind me before the Commission of 1849, he stated, in answer to questions put to him by Sir James Graham, that all matters touching the arrangement and distribution of troops are rapidly and easily disposed of by means of communications between the Home Secretary and the Commander in Chief, and that, in fact, the business could not be done more promptly. Well, these are occasions on which the Treasury does not interfere, and my noble Friend testifies to the promptitude and readiness with which the affair is managed. With regard to harmony, again, I repeat that my experience, short as it may be—though at the present moment it is acquired under very trying circumstances for all departments—does not corroborate the views of the noble Earl. I can only say, and I say it with the greatest sincerity, that having for the last two months been engaged with the whole of the military and naval departments—having had daily, almost hourly communications, verbally in the first instance, and subsequently in writing, with my noble Friend the Commander in Chief, with my noble Friend the Master General of the Ordnance, with my right hon. Friend the Secretary at War, with the heads of the Commissariat Department, and, as an important element in the matter, with my right hon. Friend the First Lord of the Admiralty, and those of his department who are more immediately connected with transports—there never has been the slightest want of harmony amongst us—there never has been the slightest difference of opinion—and there never has been the slightest hesitation, after the instructions to carry out the directions of the Government have been received. I agree with the noble Earl that one of the best tests of the working of any system is a time of pressure like the present; and, however, under circumstances such as the noble Earl has referred to, there may have been delays and differences as to the necessity of expenditure under certain heads, or as to the mode of expenditure—however much these complaints may have existed in more favourable circumstances as regards the peace of the country, I hold that a time of pressure like the present is the best test of a system in point of vigour and efficiency; and I say the experience of the last two or three months does not lead to the belief that any very great evil is to be apprehended in consequence of the present system. I admit that there may be improvements, but what I want to prove is, that the existing system is not so radically and essentially vicious as the noble Earl wished to represent. I can refer to high authority upon this point, for it was stated by the noble Earl opposite (the Earl of Ellenborough) not long ago, that the expedition to Turkey was one of the greatest undertakings, in a military point of view, in which this country has ever been engaged; and even he, with his experience in India of the large scale upon which military operations are conducted there, seemed to shrink from its magnitude, and to apprehend its failure on that account. I hope the anticipations of the noble Earl will not be in any respect realised; but, assuming his estimate of the magnitude of the operations to be correct, I have a right to say that, under these circumstances, and at this time, the fact of having sent a large body of men to the East in better condition, in more admirable order, and with greater expedition than we had formerly any idea of, either in this or in any other country, does reflect the highest credit upon the efficiency of every department engaged in the undertaking. Have the wants of that force failed to be supplied? Certainly not. Watchful eyes are upon every department, and the slightest mistake would be communicated to the press. Has such been the case? It is quite the contrary. I believe that such careful preparations never were made before, whether I look to the food which has been provided for the men, to the arrangements for their comfort and convenience, or even to the indulgences, in the shape of beverages and matters of minor importance, which have been supplied to them. Every one of these matters has been not merely under the consideration of the particular departments to which it respectively belonged, but when the noble Earl says there is not sufficient supervision and central control, all I can say is, that I have myself personally interfered in many of these arrangements in a way which some of the departments might possibly consider to be interfering with their rights and prerogatives, but I am bound to add, that up to the present time there has not been any punctilio raised whatever — on the contrary, that every order has been executed with no desire but to do that which was best for the public service. When the noble Earl says that, without listening to the gossip of the clubs, he has heard stories of contradictory orders which would have been obviated by a different system of administration, I can assure him that in this instance, as in many others, the gossip of the clubs is in error. No contradictory orders have been issued, and if any slight mistakes have been made, they are of such a nature as might have been committed by the most aristocratic head of the Army in any country and under any form of administration. I do not mean to maintain that the system may not be amended, but I do maintain that any such dislocation of the system as that advocated by the noble Earl would be most dangerous. It is impossible not to feel that the existing experience and routine of all the offices would be completely upset, and that for weeks, probably for months, at the most critical moment of our preparations for war, you would have each department uncertain what were its peculiar functions; you would have the head of each department uncertain in what position he stood; and instead of giving increased efficiency to one department or system, I believe you would entirely destroy the efficiency of all. The noble Earl has said that his experience of what occurred in 1846, when troops had to be sent to Canada, and in 1850, when there was a war at the Cape, led him equally to the same conclusion, because he asserted there was always a lengthened correspondence to be carried on between the departments before anything could be done. There, again, I am sorry to be obliged to say that my own experience does not corroborate that of the noble Earl. We are now engaged in a much more important contest than that at the Cape, and yet there is no lengthened correspondence between the departments. Every important matter is generally settled in a conference between myself and the different departments concerned in it, and when we have arrived at conclusions, they are committed to writing, and a proper record is kept of every order, so that due responsibility may be maintained. I believe that system, of settling all important questions by means of personal communication, will be found, under all circumstances, to be the only mode of obtaining expedition, under whatever administration the military force may exist. The noble Earl has said that it is perfectly impossible for the Minister for the Colonies to carry on the functions of the Secretary of War. I say, unfeignedly, I am deeply sensible of my own unfitness for either department, more especially for the war department—a deficiency which must attach, to a great extent, to almost all civilians. At the same time, I believe it is of material importance that a civilian should exercise the functions which the Secretary of War now exercises; and, therefore, I do not think I am arrogating to myself any personal merit—quite the reverse—when I say that I cannot concur in the view expressed by the noble Earl. Nor did the noble Earl himself entertain that opinion four short years ago; for I find that when he was under examination before the Commission of the House of Commons, on the 9th July, 1850, he stated, in answer to a question by Mr. Vernon Smith, that he believed the evil would be remedied in a time of war in the way in which it was practically remedied during the last war, namely, by the civil business being little thought of, and by the Secretary of War devoting his whole attention to the military portion of his duties; which, the noble Earl added, would virtually have the effect of uniting all these departments under one head, which was the state of things in the last war. The noble Earl, with his great knowledge and foresight, exactly anticipated the very event which has occurred, except that undoubtedly, as yet, I have not discovered any diminution of the colonial work. The noble Earl may find that the opinions which he has this night expressed are at variance with his former opinions, to which I have alluded. But these opinions are so distinct that I think I have a perfect right to quote them, as the noble Earl could not have given them without due consideration and a conviction of the accuracy of his statements. I cannot concur with the opinion of the noble Earl in the great and radical change which he proposes in a department connected with the carrying on of the war; and as to placing the administration of the Army under a Board, and taking it out of the hands of the Commander in Chief and the Master General of the Ordnance, I, for one, should be very sorry to be in any way responsible for the consequences of such an arrangement. My Lords, I speak without having any experience of these changes, some of which I do not mean to say are not necessary, but I am arguing against the extent of the changes proposed, and the time at which they are to be made. Having, as I say, no experience in these changes, let me look to the Board of Admiralty. Twenty years ago was this Board reformed, and, I believe, most ably and efficiently were those measures of reform introduced by the right hon. Baronet now again at the head of that department. But for this reform such efficiency would never have been seen as we have lately witnessed in the preparation of our fleets; but I speak not without knowledge when I state that the alterations in the Board of Admiralty could not have been effected in a time of war without the entire derangement of the service. I have heard those engaged in that service say that for two years after these measures had been introduced everything was disorganised, for neither men nor things had fallen into their right places; and it was very generally believed that if any great emergency had then arisen, great difficulties would have been felt in meeting it. It is such an arrangement as this that is contemplated by the noble Earl; and, even had he proved it to be necessary, which I utterly deny, still, I say, it could not be effected under present circumstances. I will now, my Lords, refer to the three heads under which the noble Earl has classed his suggestions. The first proposal is, that there shall be a fourth Secretary of State. As the noble Earl has not gone into this at any length, I do not know that it is necessary for me now to enlarge upon it. The noble Earl's second proposal is to throw upon the Secretary at War functions which attach to the Secretary of State for the Colonies with reference to the military department. This, again, the noble Earl has not advocated at any length, and I have endeavoured to show the grave objections—the noble Earl will forgive the expression, though I do not wish to invite the spectre which he conjured up, when I say—to this unconstitutional arrangement. The third proposal is the constitution of a Board, which the noble Earl says he would have similar to the Board of Admiralty. He then proceeded to discuss the objections to, and advantages of such a Board. Although, my Lords, I am fully sensible of the objections, I cannot say that I am so certain as to the advantages that would result from such a Board. I believe that a Board, properly so called, would, without mitigating the evils complained of, merely be the means of cloaking and avoiding the responsibility which should attach to the head of a department. This I consider an inherent vice of such an arrangement, and no modification can get rid of it. We have obtained, by general consent, and the noble Earl consented to it by his cheers, that a civilian ought to be responsible for the administration of the Army. He must therefore be at the head of his Board. And the noble Earl says, following the example of the Board of Admiralty, he would have professional men occupying a junior position under this head. In what position should we then be? Are we to have a civilian at the head of the Board, and, instead of having such men as the Duke of Wellington at the Horse Guards and Sir G. Murray at the Board of Ordnance, are we to have lieutenant-colonels and captains of the army to sit as junior lords at the Horse Guards and to perform all functions and to be the sole military advisers of the civil head of the Board? No person who has maturely considered the subject would think, however reprehensible some of the present arrangements may be, that such a proposal could be any improvement on the existing system. The noble Earl forgot one portion of his case in advocating, and rightly, the responsibility of the person who occupies my office; he did not touch upon the question of patronage. What would he do with the patronage of the Army? Does he propose that it shall devolve on the civil head of this Board, who is a political officer? I, for one, must resist such a proposal; and I believe that if a mode could be adopted by which the honourable feeling of the Army could be corrupted—if it be corruptible—it would be by the introduction of such a system. Would the patronage devolve on the junior lords? That would be impossible. I say, my Lords, you ought to watch this question of patronage, and to introduce, if possible, safeguards for its integrity, instead of placing it in jeopardy—instead of placing it in the hands of the civil head of such a Board. I would not, under any consideration, have the patronage of the Army devolve upon me; for even were the appointments made under the best professional advice, with due regard to the rights of individuals and the interests of the service, still I say it is reasonable to believe that disappointed candidates, their friends and the world at large, would imagine that I was actuated by political and party feelings. I therefore consider that to introduce such an element of discord as this into the administration of the Army would be more detrimental than the system which now prevails, and I should deprecate any steps being taken towards such a measure. My Lords, however inefficiently I have replied to the very elaborate speech of one, on these matters, of the most experienced Members of this House—I am bound to say, on behalf of the Government, that though not repudiating alterations, much less improvements, we do deprecate any attempt to make, at this juncture, extensive changes in the existing system, and still more do I deprecate an attempt to dislocate the important joints of a machinery which, if put out of gear, cannot readily be replaced, and may lead, at the present time of war, to most disastrous consequences.

VISCOUNT HARDINGE said, he wished to take the earliest opportunity of denying that the disastrous consequences referred to by the noble Earl in connection with inefficient barrack accommodation at Trinidad and Sierra Leone took place at the time when the barracks were under the management of the late Duke of Wellington. The English and Irish barracks were transferred about the time referred to by the noble Earl to the Ordnance Department with most beneficial results; but it was not until two years afterwards that the colonial barracks were brought under the management of the Duke of Wellington, who was then the Master General of the Ordnance. They were prior to that time under the Treasury and Colonial Departments; and as the Legislative Assemblies paid towards their maintenance, they were frequently in an inefficient state. Even had the colonial barracks been brought under the control of the Board of Ordnance at the same time as the English and Irish barracks, it would have been impossible for any department immediately to have remedied all the existing abuses in connection with their management. One of the first improvements introduced by the late Duke was that of giving to every soldier a single iron bedstead, instead of compelling them, as before, to sleep together two in each bed. No man, indeed, ever took greater pains than did the late Duke of Wellington to make the accommodation and comforts of the soldiers as perfect as possible. If the noble Earl had communicated with him on this matter, he would have explained it to him; but as it was now thirty years since these transactions took place, and the noble Earl had made an accusation, he deemed it right to take this the earliest opportunity of correcting his statement. As regards the general question of the present discussion, it would not become him to advocate the privileges and functions of the Commander in Chief as against any civil officer whom the Government might please to appoint. He did not pretend to discuss this matter; but, as far as his experience went, in recent years he had never felt any of the inconveniences mentioned by the noble Earl (Earl Grey) when he was Secretary at War, and he could only say that last year, when he was Master General of the Ordnance, he felt that there were certain wants in the artillery department, and he applied to his noble Friend, then in office, explained to him the deficiency of the service, and this met with an immediate response. When the Ordnance Estimates were prepared, the noble Lord the Secretary of State for the Home Department felt, as he believed every Secretary of State for the Home Department feels, that the charge of the security of the country devolves upon him, and the security of the Colonies upon the noble Duke who held the office of Secretary of State for the Colonies, and the whole question of the estimates and the defence of the country was discussed at the Home Office, with the right hon. the Secretary at War, the First Lord of the Admiralty, the Chancellor of the Exchequer, the noble Lord the Secretary for the Home Department, the noble Duke the Secretary for the Colonies, and himself (Viscount Hardinge). They met three or four times, and discussed the whole subject, and a better or more perfect mode of doing so could scarcely be devised. The same course was adopted last year. There was no novelty in such a step, for it was one adopted in the time of Lord Liverpool. He should certainly be sorry to see any Secretary at War entrusted with the discharge of those duties now performed by the Secretary of State for the Home Department. As for the practical working of the present system, he had seen, when unlawful meetings were taking place in this country, the Commander in Chief go to the office of the Secretary of State for the Home Department, and after a consultation of a few minutes return and give the necessary order for the troops to march; and by the next morning, owing to the facilities of the railway and telegraph, the troops had been enabled to reach the town where their services were wanted. Their Lordships might remember the time of the Chartists attempting to march through London, and how upon that occasion every arrangement was made which could possibly secure the public tranquillity. These arrangements were made with a precision and quietness which struck everybody as most remarkable. He would ask their Lordships if they thought that the then Home Secretary of State (Sir George Grey), whom every one must treat with respect and confidence, or any Secretary at War, or fourth Secretary of State interposing at the head of the Army, would have been of any use under such circumstances? If they stripped the Secretary of State for the Home Department of the power he now had over the security and safety of this country, they would in his (Viscount Hardinge's) opinion, weaken instead of strengthen the Executive? During the last two months he had transacted business with his noble Friend the Secretary of State for the Colonies, of a most important nature, in connection with the movements and preparations of the troops, and he had never met with the slightest difficulty, or experienced any of those "squabbles" with the noble Duke which the noble Earl had referred to as of frequent occurrence. Everything had been transacted in the utmost harmony and union. With respect to the Ordnance Department, there were, no doubt, many things which called for alteration and improvement; but the result of the lengthened inquiry of the Committee of the House of Commons was to show that the utmost care and attention were necessary in any attempt to effect improvements in that department. He should always feel it a pleasure to be present at discussions of this nature, and to state his opinion of the practical working of any system which might be adopted; but he could not pretend to enter into any constitutional questions as to the rights or wishes of the Commander in Chief. He would, however, most confidently state that if they attempted to limit too much the authority and power of the Commander in Chief as regarded the management of the troops, they would shake his authority in such a manner as to produce great difficulties in the event of his having to carry on a war. In conclusion, the noble Viscount stated that he never saw a finer body of men than those who were last year encamped at Chobham, remarkable in every good quality which could form the soldier. These troops, under the instructions of his noble Friend the Duke of Newcastle, had been sent to Turkey, and in his (Viscount Hardinge's) opinion, the whole of the forces sent out had embarked with an alacrity, a readiness, and a discipline which did them the greatest possible honour. So far as regarded his noble Friend the Secretary of State for the Colonies, he felt it a pleasure to state that he had never known less alterations made in the orders when once issued, than had been made during the last two months; and it also afforded him great satisfaction to state that from no Secretary of State had he ever received more satisfactory assistance than from the noble Duke who now filled the office of Secretary of State for the Colonies.

The Earl of ELLENBOROUGH: It is very irksome to me, my Lords, to say much on the present subject, but I do not think I should be acting rightly unless I expressed my obligations to the noble Earl (Earl Grey) for having brought this question under your Lordships' notice. It is with the deepest concern I see the state of your Lordships' House, both now and from the commencement of this discussion, because it shows how very little your Lordships as yet appreciate the extreme difficulty of the position in which we are placed, and the necessity of devising all the means which our best consideration may suggest to us of carrying the war in which we are engaged to a fortunate conclusion. The question which has been brought before your Lordships by the noble Earl involves the lives of thousands, the efficiency of the Army, the greatest interests of the State, and the honour of the country; and I must say that, if your Lordships have not upon this occasion been prepared to come to its consideration in such numbers as those in which you usually assemble for the consideration of other less important matters, it will be necessary, at a very early period after the recess, that the whole question of the naval and military preparations of the country, of the position in which we now stand at the commencement of this great war, and of the means by which our military and naval forces are to be directed, should be brought directly under the consideration of your Lordships. I think it right to express my entire concurrence with the noble Earl in the opinion which he declared, that the military should be entirely subordinate to the civil authority. I believe that to be perfectly constitutional in principle and essential to the good conduct of all public affairs; and I must say, that while I join with others in rejoicing that what is called the patronage of the Army is separated from the Government, and in nourishing the wish that, to a very great extent, what is called the patronage of the Navy were likewise separated from the Government; yet, looking to the circumstances which have been brought under my consideration, I do think that there is a very great distinction between what is called technically the "patronage of the Horse Guards"—that is, the appointment to regiments, beginning with the first commissions—matters which are altogether things of patronage—and the appointment to divisional and brigade commands and situations in the Quartermaster General and Adjutant General's departments. These are matters which affect the efficiency of the Army in the field for which my noble Friend opposite is at present responsible; and I say that he ought to have—I know not whether he have, but he ought to have—every one of those recommendations of the Horse Guards brought to him for his consideration and approval, before they are submitted to Her Majesty. Agreeing, however, with the noble Earl in the opinion that the military should be entirely subordinate to the civil authority, I must, at the same time, confess that I do not agree in the suggestion which he has offered for particular alterations in the management of military affairs, which he thinks would be most conducive to the public service. I confess, my Lords, that I am adverse to all Boards. They appear to me to be but an excuse for the want of responsibility. The only real security for good conduct on the part of a public officer is the sense of sole and entire responsibility for everything that is done; but if you impose upon him—as I think you should for the public benefit—that feeling of sole and entire responsibility, it is but just that you should give him also full and complete power to carry his wishes into effect; otherwise you treat him ill, and place him in a position in which he cannot carry out what he believes to be necessary for the benefit and welfare of the country. My experience of the Admiralty was extremely short, and it was experience obtained under the most adverse circumstances, for I only entered upon the administration of that department as the representative of an expiring Government—a position in which no one who has had the misfortune to be placed would ever desire to stand again. But, I must say, from the short experience which I did have, that it is, without exception, the most inefficient, and the most utterly incapable of doing good service to the public which at any time has come under my notice. I do not think that I could by possibility, even if I had received—as I did not receive—the full support of the head of the Government, have effected that which I felt it right to do for the public service, trammelled as I was by the arrangements of that department; and I recollect very well when the Act to which the noble Earl alluded, which was passed at the suggestion of the present First Lord of the Admiralty, was carried through Parliament, hearing the opinion of persons who were then thoroughly acquainted with the practical administration of the Admiralty, that it might do very well in time of peace, but that it would be found to break down in time of war. Our experience as yet has not been sufficient to enable us to come to any judgment upon that subject. My noble Friend has mentioned—what I can perfectly understand—the unwillingness of the Duke of Wellington to separate the Commissariat from the Treasury, under the impression that it was necessary that that department should be placed under the direction of the Treasury, which held the public purse. That was only in conformity with all the opinions of the noble Duke, who, military man as he was, was more constitutional in the general bent of his mind and in all his opinions, and more desirous of placing the civil over the military authority here and everywhere, than perhaps any public man with whom I have acted. And really, when I consider this matter in all its bearings, I cannot but feel that, in point of fact, by far the most convenient arrangement for the public would be that the general direction of the war should rest with the First Lord of the Treasury himself. There may be circumstances which may render it inconvenient at the present time for my noble Friend now at the head of the Treasury to undertake that duty; for knowing as I do that no man does well the thing he hates, I cannot but apprehend, whatever may be his general abilities, directed as they would be, undoubtedly, for the first time, to the consideration of anything relating to war, that it is just possible that that war would not be successfully conducted to a speedy issue. But if that be our unfortunate position—I think it unfortunate, because I know from history that the only occasion on which great successes were achieved suddenly after sustaining great reverses, was an occasion on which the Prime Minister was himself the War Minister, and carried the country to victory in every part of the globe—if that be our unfortunate position, I firmly believe that there is no other arrangement which will give real security to us that all the departments will cordially co-operate with that department which directs the military operations. I believe, also, that there are no other arrangements which will secure that despatch which is absolutely essential to the success of military operations; and more than that, I believe that there is no other arrangement which with the same effect secures secrecy, which, above all things, is necessary to the success of such operations. Undoubtedly, if we consider what we see day after day in the public newspapers, and believe that what we read there is true, we must come to the conclusion that secrecy there is not in any department of the Government, and that the enemy knows as much as we do ourselves of everything that we have done or intended to do in this affair. I venture to suggest to my noble Friend, if, as Secretary of State, he is to conduct this war, that secrecy is one of the most important securities which he can give us for victory; and I will also venture to suggest to him, as we have been talking of the Admiralty—and really we have been talking of these departments almost as if they were independent States, and not under the general direction, as they should be, of the Prime Minister—that of all the departments, that in which, unfortunately, secrecy appears least to exist is the department of the Admiralty. I certainly should have directed my attention to that subject had I remained longer in that office than I did; but I felt that my time was very short, and that I had no means of effecting the alterations and reforms which I desired, and felt it absolutely essential should be effected. It would be idle to go further at the present time into the condition of this question. I will only, in a few words, say that I entertain a very strong opinion—perhaps a stronger one than is generally entertained by noble Lords—of the greatness of the struggle in which we are engaged, and of its probable duration. I think that the people of this country will be called on to make very great sacrifices. I think that at the present moment they are carried forward by a very unanimous and a very generous feeling in favour of a weak State oppressed by a powerful neighbour. We cannot trust, however, that under the pressure of great public suffering that generous feeling will continue to induce the people of this country to concur in the prosecution of the war with the vigour with which it ought to be carried on. It is a war of far-sighted policy—it is a statesman's war—but that is not a war which the people of this country will generally understand; and the Government must surely see, that unless it be well conducted, unless it present from time to time, and very rapidly, examples of success, of great achievements effected, and of a decided progress towards the prostration of the enemy, it will be perfectly impossible for any Government or for any Parliament reasonably to hope to carry the people with them in the prolonged prosecution of the war. I do, therefore, most earnestly recommend to the consideration of the Government that that is the manner in which this war ought to be conducted. I am perfectly convinced that it is impossible to conduct it with success, with departments, at present, perhaps, co-operating, but which may soon conflict, under circumstances such as have been described by the noble Earl. I am convinced that there is no mode by which it can be conducted except upon the principle of undivided responsibility and almost undivided power; and that, without that power pervading all departments, and compelling all to co-operate in the views which are held by the Government, for the prosecution of the war, it is perfectly impossible that in a war —remembering that in this war there is no royal road to victory—a war of which no man can venture to predict the termination, which has many chances in favour of the enemy, and but few, perhaps, in favour of ourselves—in which I think we can succeed, but in which we can succeed only by great sacrifices, by great exertions, by directing all our efforts to the same uniform end, and by looking forward, not merely to the end of the campaign, or to the end of the Session, but from year to year, until the enemy is beaten down—I say that, unless we take that view of the war, and unless we now (not waiting, as my noble Friend supposes, for some distant period when all these calamities may have been incurred) look at the whole extent of our perils, difficulties, and necessities, and prepare our means for the purpose of effecting a success which is to be effected by giving a right direction to the war, as much as by providing the means for carrying it on—I feel satisfied that whatever may be the abilities of the Government for conducting the Administration in peace—abilities which were possessed to the greatest extent by their predecessor, Mr. Pitt, who, with all his administrative talents in time of peace, failed most lamentably as a War Minister (for nothing can be more unlikely, perhaps, than that a man who is great in peace should therefore, and of necessity, be great in war)—I feel convinced, I say, unless they do that, whatever may be their present strength in Parliament and in the country, that the country will not bear defeat, that it will not bear mismanagement, and that a Government which mismanages a war will be put out by the indignation of the naval and military services, and by the general disappointment and dissatisfaction of the people.

Lord PANMURE said, he had long been of opinion that the administration of the affairs of the Army, whatever they might think of the matter in that House, would be taken by the public into their own hands, and that, sooner or later, we should see a Minister responsible for the military affairs of the country, and all the pecuniary charges of the department defrayed in one vote by the House of Commons. He had no desire to arrive at such changes as these by any sudden and inconvenient step; but he thought that the time had arrived when it behoved the Government to consider—and they did not seem indifferent to it—how the change might be effected, gradually, safely, and at the proper time, before it was effected suddenly and with a rough hand. He thought that the noble Duke (the Duke of Newcastle) had talked somewhat lightly of the character of such a Board as the noble Earl (Earl Grey) had proposed; and he saw no reason why it should not be composed of officers of high standing and valour, and be placed upon the some footing as the Board of Amiralty. Be that as it might, however, and whether they established a Board or a Minister of War, he agreed with his noble Friend below him (the Earl of Ellenborough), that under no circumstances of administration should the patronage of the Army be taken out of the hands of the Commander in Chief. He was not aware whence the noble Duke had derived his authority when he stated that he (Lord Panmure) had proposed utterly and entirely to abolish the department of the Commissariat. Such a scheme had never entered into his head; and all that he had ever urged upon that point was, that the Commissariat ought to be under the direction of the Secretary at War—that it was wrong to have separated the management of the Commissariat from that department—and that it would be beneficial to the Army to restore it to the control of the Secretary at War. His opinion was that the Commissariat in times of peace was not necessary to train a Commissariat for times of war. Further, he distinctly contended that the duties which the officers of the Commissariat had to perform during a period of war were not only different from those which he had to discharge in a time of peace, but absolutely those duties were not to be learned during a time of peace. He was of that opinion still. He had heard, however, that the Commissariat was not to be restricted to the simple duty of providing for the Army abroad, but that it was intended also to establish one for this country. Such an attempt had been made in Ireland a few years ago, when he was Secretary at War, and he never rested until he had put it down, for he found that the Ordnance contractors for the Army supplied them as economically and far better than they could be supplied by any Commissariat. He, therefore, wished to ask his noble Friend below him whether such a proposal had the sanction and concurrence of the Master General of the Ordnance?—for he believed that the Master General of the Ordnance and himself were of the same opinion—that if the troops in this country were to be supplied by contract, they could not be better supplied than by the Ordnance contracts; but that if they were not to be supplied by contract, the plan which had been tried, of allowing them to supply themselves, had succeeded admirably, both in Ireland and in the case of the Guards in London; and, some two hours before his noble Friend (Lord Raglan) had left the House, he told him (Lord Panmure) that the Duke of Wellington himself had made propositions to Mr. Huskisson, in which, so far from advocating the necessity of keeping up a Commissariat for the Colonies, or even for the military stations in the Mediterranean, he suggested that the troops should be permitted to purchase their provisions for themselves. The Duke of Wellington's faith in the utility of a Commissariat was not so firm and strong as to enable any one to quote his authority for the maintenance of that department. But he (Lord Panmure) had no objection to maintain that department as a sort of nucleus to which they could refer in time of war, in order to get persons who, if they had not been accustomed to gather in great supplies for large bodies of men, had been accustomed to manage business of that description on a smaller scale; but whenever a Commissariat did exist, it was his unhesitating opinion that it was essential it should be under the direction of the Secretary at War. What was the result of the Treasury managing this matter? Under the present circumstances the ordinary expenditure was made by an officer of the Commissariat, and the Treasury was obliged to send both to the Secretary at War and the Commissariat Office to have that expenditure explained. If they inquired into the work done at the Treasury, he believed they would find there was quite enough to do in that department, without their being burdened with the control of a large and increasing department like the Commissariat. The Treasury had lately taken upon themselves a duty which would prove somewhat onerous, and which, in his opinion, would demand more time and attention on the part of the Treasury than they would be able to give. Some years ago a proposition was made in the House of Commons that the whole gross revenue of the country should be paid into the Treasury, without any deduction being made for the administration of the different departments and the collection of the revenue. The Government had proceeded to carry that recommendation into effect; and one of the first results was that they were obliged to take from the Paymaster General's office one of the very best men in that department, and give him another appointment in the Treasury, in order to carry the new system into effect. He was quite sure that the department, of which his noble Friend below him (the Earl of Aberdeen) was the head, would find that they had quite enough to do, without burdening themselves with the increasing department of the Commissariat, which properly belonged to another branch of the Administration. Whatever system might be adopted, he hoped and trusted that steps would be taken to avoid those complaints which were made in the last war by the Duke of Wellington, who, while conducting the war abroad, constantly complained that his hands were paralysed by the conduct of the departments at home. He believed that if there had been one responsible Minister for carrying on the military administration in this country, such complaints never would have occurred. The Duke of Wellington was a very energetic man, and could act in the face of all difficulties. He had the heart to face anything, and a courage that would conduct him through what would have baffled other men. They were not likely soon to have such another man as the Duke of Wellington at the head of our Army; and he was quite sure that nothing could be more injurious, or tend more to destroy the self-reliance of a commander on foreign service, so much as the knowledge that there were half a dozen departments at home controlling his operations abroad, when he ought to be looking to one responsible Minister invested with authority to advise him, and who would stand by him in carrying that advice into execution. That was his firm opinion, and he believed the further they discussed this question the more convinced they would be that it was a sound one.

EARL GREY, in reply, said, the noble Duke (the Duke of Newcastle) had thought fit to read a portion of his (Earl Grey's) evidence given before the Committee of the House of Commons in 1850 in reference to this question, and to quote certain of his answers which seemed to imply that he did not consider the change he now proposed as at all necessary at that time. He must say, in answer to that statement, that he was sorry the noble Duke had not thought fit to read a few lines more of his evidence on that occasion, and one or two more of the answers he returned to the questions addressed to him, for, had he done so, it would have been made perfectly clear to their Lordships that the opinion he then stated to the Committee was precisely the same which he had that night expressed, that he was then as much convinced of the necessity of this change as he was now; but at that time there were professional objections to it so strong, that he felt, until public opinion was aroused upon the subject, that those objections could not be overruled. Nor did he see that, in a time of peace, it was one of those questions which could be expected to exercise much pressure on public opinion; but he always foresaw that when a time of war arrived, the subject would be, in some way or other, forced upon the consideration of the Government. With respect to a remark which fell from the noble Lord near him (Viscount Hardinge), which seemed to infer that he (Earl Grey) had imputed blame to him—so far from intending anything disrespectful towards him or the Duke of Wellington, he (Earl Grey) expressly said he did not blame individuals in reference to the existing arrangements, for that the exertions of the best public servants must miscarry under such a system. He confessed all that he had heard in the course of this debate had given him very great satisfaction, because he was persuaded that, after the objections they had heard to the proposed alteration, the country would not be long satisfied with the present state of things. The noble Duke (the Duke of Newcastle) did not attempt to deal with the question of principle, but merely touched upon five or six unimportant points of detail. The noble Duke argued that all the particular evils and cases of mismanagement which he (Earl Grey) had pointed out had been corrected, and, therefore, that no change of system was necessary. No doubt the errors that had attracted attention had been corrected, but his objection to the existing system was that the abuses under it went on from year to year, without being detected, and because they were not detected, they were not corrected. What was the case with respect to the barracks in the Bahamas? It was not that the thing was unknown, for the medical officer had been reporting year after year in reference to the greatness of the evil; but year after year those reports had been put by, because they related to matters which belonged to another department; and until he (Earl Grey) had them dug out of the old rubbish, not one single step had been taken to redress the evils which they so undeniably pointed out. What he asserted was that we were continually detecting and remedying abuses, but allowed the system to continue the same, and that therefore the source of all these evils continued in existence. He thought, too, that in answering him on the particular cases of abuse to which he had adverted, the noble Duke had incidentally given rather a curious proof that under the existing system the Secretary of State for War and Colonies could not possibly give sufficient attention to all his duties. With reference to his (Earl Grey's) observations on the calamitous results of sending troops to Sierra Leone in 1825, when there were no barracks ready to receive them, the noble Duke had remarked that he believed that was the year in which Sir C. Macarthy was defeated and killed, and had asked whether he (Earl Grey) would contend that when such an emergency arose troops ought not to be sent until barracks could be provided for them? If the noble Duke's attention had not been absorbed by his duties as Minister for war, he would hardly have fallen into the mistake of supposing that the defeat of Sir C. Macarthy had anything to do with sending troops to Sierra Leone, for Sir C. Macarthy was defeated by the Ashantees, in the vicinity of Cape Coast Castle, at some hundreds of miles from Sierra Leone, and from the prevailing winds the communication between the two places, before steam navigation was introduced, was so slow and so difficult that there was scarcely any intercourse between them. The noble Duke boasted of the harmony which prevailed in the department over which he presided, and of the admirable manner in which all the arrangements for sending out the expeditionary force to the East had been conducted, he (Earl Grey) hoped that everything had been as well managed as the noble Duke had stated, and that this would be shown by the result; but the noble Duke should remember that the time for boasting was not when the harness was put on, but when it was taken off.

THE DUKE OF NEWCASTLE: I made no boast whatever of anything in which I was personally engaged. What I spoke of was the zealous co-operation that had always been shown by the different departments for the public service.

EARL GREY: The noble Duke may not call it boasting, but at all events he talked very much of the efficient and expeditious manner in which the arrangements for equipping and sending out the force ordered to the East had been completed, owing to the harmony which prevailed in the different departments. [The Duke of NEWCASTLE: Hear, hear!] Now, with regard to the statement that the present constitution of the Army departments had led to no difficulty or delay in making the recent military arrangements, he confessed that it would have been more satisfactory to him if, in eulogising generally all that has been done, the noble Duke had been able to say that he (Earl Grey) had been misinformed) as to the only specific instance of reported mismanagement in this business to which he had adverted. He alluded to the great error which had been committed in crippling one of the Highland regiments by calling upon it to furnish volunteers for another, and then three weeks afterwards ordering the regiment of which the efficiency had thus been impaired to join the expeditionary force. The noble Duke had not denied that this blunder had been committed, and it was impossible for the House to feel sure that there might not have been others of the same kind. Then, again, with regard to the somewhat invidious manner in which the noble Duke had insisted on the harmony which now prevailed among the departments as if this had not been the case formerly, he must remind the noble Duke that he (Earl Grey) did not say himself one word with regard to differences of opinion and jealousies in the different departments, though he had quoted the report of Sir W. Gordon, made in 1810, from which it appeared that they were at that time complained of. At the same time he (Earl Grey) could not avoid observing that he regretted to hear the noble Duke say so much of the absence of all discussions between the departments, for he was quite sure, from his own experience, that the absence of such discussions implied the absence of attempts to introduce improvements into the public service, that there was nothing more easy than to avoid controversy if you were content to allow things in the departments to follow the beaten track. If their Lordships were content to do that—if they were content to go on year after year precisely in the way in which they had gone before, not attempting to discover errors or to suggest improvements which were necessary or desirable—he had not the slightest doubt that the public business might be conducted with that extreme harmony to which reference had been made by the noble Duke. At the same time he (Earl Grey) thought it right to say, in consequence of what had fallen from the noble Duke that in his own experience, far from having any complaint to make, he had uniformly found, among the heads of departments particularly, the most extreme desire to promote the public service, and to cooperate with each other in the most friendly spirit. But while this had always been the case, it was not the less true that when improvements were proposed and changes in the existing practice, though the different departments were all co-operating in the most friendly spirit, they were necessarily compelled to consult those under them. That led to references and to re-references, and trifling differences of opinion, sometimes on matters of mere detail, which occasioned delay and difficulty in carrying on the public service. With respect to the question that had arisen in regard to the Commissariat, their Lordships must recollect that, although the Treasury might manage the Commissariat Department during a time of peace, the circumstances would be widely different in war. The noble Duke had admitted that there was no constitutional objection to the change of system which he (Earl Grey) had recommended; but he said there might be some difficulty in increasing the authority of the Secretary at War, because he was necessarily a Member of the House of Commons, and could not sit in their Lordship's House. This was no doubt true at present, when the principal duty of the Secretary at War was to move the Army Estimates in the House of Commons; but, if that department were re-constituted, care should be taken that the Minister should be capable of taking a seat in that House, and he might of course be represented in the other House in the same way in which the noble Duke the Secretary for the Colonies was now represented there. There could, however, be no doubt that the interference of the House of Commons with regard to the army had been productive of the greatest advantage, and they all knew how very much the condition of the soldier had been improved within the last half century. All the great improvements of the army had originated with the civil servants of the Crown, and those civil servants had generally been put in motion by the House of Commons. He could quote a hundred instances of great and necessary reforms which were due to the manner in which abuses had been brought forward in the House of Commons, and to which the civil Government had been obliged to attend. Instead, therefore, of believing that the House of Commons had interfered too much with the administration of the army, he only regretted that the attention of that House, as well as of their Lordships, had not been more constantly and more systematically directed to the subject.

On Question, *agreed to.*

TESTAMENTARY JURISDICTION BILL.

Order of the day for the third reading read.

The LORD CHANCELLOR said, he should not have proposed to give this Bill a third reading in the present state of the House, if he did not regard the attendance of so few of their Lordships as only indicating that their minds had been made up on the subject of this Bill. Objections had been made to the transfer of testamentary jurisdiction to the Court of Chancery, but he thought the arguments upon that subject had been satisfactorily answered. What was the use of constructing another court, if the Court of Chancery could discharge the functions? The Court of Chancery never was a slow court in giving a decision; when a petition took place, and there were accounts and inquiries to be gone into, delays had occurred. But the adjudication of a right had always been obtained quickly, and could now be obtained from the Court of Chancery more quickly than from any court in the country. The noble and learned Lord concluded by—

Moving, that the Bill be now read 3^a

The Archbishop of CANTERBURY said he could hardly suppose that a Bill of this kind could be delayed by any remarks of his; but he must take this opportunity of expressing the strong feelings with which he regarded the probable operation of this Bill on a large body of professional men with whom he was officially connected, and who would suffer grievous loss by the provisions of the Bill. The proctors of the ecclesiastical courts had been from time immemorial appointed by the Archbishop of Canterbury. The Lord Chancellor had justly said, upon a former occasion, that there could not now be supposed to be any necessary connexion between the see of Canterbury and the jurisdiction with regard to wills. But he thought the object in view might have been obtained without depriving a body of men of their means of existence as professional men, which he feared after a short period would be the effect of this Bill. He had not taken a part in the discussions on this Bill, because it might be thought he was personally interested in the matter. He could not deny that all the judicial authority in their Lordships' House seemed to be in favour of the reform, but he could not allow the Bill to pass a third reading without expressing his sympathy with a body of men with whom he was officially connected.

Lord WYNFORD, after presenting petitions against the Bill, said he doubted very much whether the public believed that this Bill would be for their advantage. He had presented various petitions against the Bill, signed by bankers, merchants, and other influential persons. The Bill was opposed by several of the Judges of the Court of Chancery, and he had proposed in the Committee upstairs to call these learned persons before them, and ask them to state upon what grounds they had come to the conclusion that testamentary jurisdiction had better be given to a Court of Probate and not to the Court of Chancery. He moved that the Bill be read a third time that day six months.

Amendment *moved*, to leave out "now" and insert "this day six months."

The LORD CHANCELLOR said that the objection to examine these learned personages before the Committee was made by Lord St. Leonards. Eight of the thirteen Commissioners were in favour of transferring testamentary jurisdiction to the Court of Chancery; four were favourable to the course proposed to be taken by this Bill, and four wished to preserve a Probate Court as a distinct branch. No one had a greater respect for the learned personages who expressed the last-cited opinion than himself; but if they had been called before the Committee they would have said that the evidence upon which the opinions of the Commissioners was founded was printed, and that their Lordships could form their own opinions upon it. No one could sympathise more than he did with the sufferings that any reform might cause among any class of persons affected by it; but these sufferings were in the present instance absolutely irremediable, because it never could be pretended that the practitioners under an unimproved system had a claim to be compensated when that system came to be improved because their profits were not so great as they had been. Who was to estimate such an injury? By continuing their monopoly for a long period of time, which ten years undoubtedly was, these practitioners would have ample opportunities in the interval to form other connexions, which would make the shock less felt. With exertion on their part during the interval, the change, he did not doubt, would turn out less injurious than these parties supposed.

On Question that "now" stand part of the Motion? Their Lordships *divided*:—Content 7; Not Content 5: Majority 2: *Resolved* in the *affirmative*: Bill read 3ª accordingly; Amendment made; Bill *passed*, and sent to the Commons.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 7, 1854.

Minutes.] Public Bills.—1° Registration of Births, &c. (Scotland); Holyhead Harbours; Spurn Point.

2° Oxford University.

CONSOLIDATION OF THE STATUTES.—QUESTION.

Mr. BOWYER said, he wished to ask the noble Lord (Lord John Russell) whether the Statute Law Consolidation Commission was to cease; and, if so, whether the consolidation of the Statutes was to be given up, or any other, and what measures were to be taken to effect the purpose for which the Commission was appointed.

Lord JOHN RUSSELL said, the state of the case was this:—The Lord Chancellor had appointed a Commission, which expired on the 31st of March—a temporary Commission—with a view to consider how far the consolidation of the Statutes was practicable, and in what manner, if practicable, it should be effected. The Commission so appointed terminated on the 31st of March, and their labours had been placed in the hands of the Lord Chancellor, in order that he might see how far they would form a foundation for the consolidation of the Statutes. If the Lord Chancellor should be satisfied from this examination that there were grounds on which the foundation could be placed, a Commission would be appointed for a term of years for that important purpose. If there did not appear adequate grounds, the Lord Chancellor and the Government would then consider what other course should be adopted on the subject.

OXFORD UNIVERSITY BILL.

Order for Second Reading read; Motion made and Question proposed, "That the Bill be now read a Second Time."

Sir WILLIAM HEATHCOTE said, he had several objections to the details of this measure, but as he felt the principle to be sound, he should assent to the second reading, trusting that he might prevail upon the Committee to alter those features in the Bill to which he objected. The interest which he felt in the Bill induced him to take this early opportunity of explaining the vote which he intended to give on the present occasion; and he was the more desirous of so doing because his sense of duty and a consideration of the best interests of the University which he had the honour to represent constrained him to give a vote which was not entirely in accordance, although it was not entirely in opposition, to the petition from the University which he had presented against the Bill. He should hardly consider himself a good friend to the University if he were to shut his eyes to the urgency of the circumstances in which it was placed, and if he were to refuse to recognise the great importance of speedily solving the questions with which it was perplexed. The continued discussion of those questions operated to an unwholesome diversion of the energies of the University from their accustomed course. She could not afford to spare from study and from tuition her best and ablest men, in order that they might be absorbed in controversies concerning the amendment of a system of which the administration was their more proper and congenial employment. And of still more importance than the promptitude of the remedy was the probability that its application would be entrusted to friendly hands, and he could not but admit that the names of the Commissioners announced by the noble Lord were, in his opinion, a guarantee not only that the powers to be entrusted to them would be administered in a friendly spirit; but also that the Bill conferring those powers had been framed with no hostile disposition, and that it ought to be criticised in a spirit of fairness. If, on looking at this Bill, he had found it involved great principles to which he was entirely opposed, then, notwithstanding the urgency of the circumstances, he should have felt it to be his duty to oppose the second reading; but when he found that his objections, which were important and considerable, and which he should, as he had previously stated, endeavour to remove by proposing Amendments in Committee, were objections not to principles, but to the erroneous or excessive application of principles which he admitted under certain limitations, then it was clearly his duty to assent to the second reading of the Bill. The great principles which were mainly involved in the Bill were whether the enactments should be compulsory or enabling, and whether the limitations under which founders gave their benefactions might be altered. The question as to the use of compulsory or enabling enactments was to be considered with reference to the University and the colleges as distinguished from each other, and on somewhat separate grounds. He did not deny that it was the right of the supreme Government of the country to deal with a great corporation like that of the University, so far as regarded the regulation of its constitution and its modes of action; but it ought to be dealt with with a very tender hand, especially as it was in the power of that corporation to apply a remedy if it should think fit to do so; and he had not disguised his opinion that the Government had not shown sufficient consideration for the governing body at Oxford, and that more frank and confidential communication from the Government to the Hebdomadal Board might have produced acquiescence in the course indicated. But, however that might be, he was bound to confess that so far as the University was concerned, if legislation was required at all, it was only on an hypothesis by which it was also necessary that the legislation should be compulsory. It was clear that the University could carry into effect all the changes which were desirable without an enabling Act, and if it did not think fit to do so, an enabling Act would not meet the case. With respect to the colleges, no doubt some legislation was required, but the question was whether it should be compulsory or enabling. The rights of the Legislature to interfere with them was, in his opinion, to be confined within much narrower limits than in the case of the University, but within those limits he thought that the interference must take the form of compulsory enactments to some extent, or that it would be nugatory. There were nineteen colleges at Oxford, nearly all of which had Statutes which seriously embarrassed their proceedings. Two of the colleges had power to alter the Statutes themselves. The remaining seventeen could not move a step unless they were enabled to do so, and one-half of these could not move even if they were enabled, because they were bound by stringent oaths which prevented them from initiating alterations. It was clear, therefore, that they could only receive improvement in the form of a compulsory imposition by an external power, having the force of positive law.

He felt no difficulty in admitting that any enactments with regard to the University must be compulsory; and in the case of the colleges, it would be nugatory with respect to one-half of them, unless it should be compulsory also. He had much more difficulty in dealing with the question relating to the property of the colleges and the Statutes, and the expressed intentions of the founders. Legislation with respect to the colleges ought to be applied under more strict limitations than in the case of a great corporation like the University. It ought only to be applied in extreme cases to make the intentions of the founders more effectual. There were four matters requiring consideration—the question of the founders' kin, the question of local preferences, the question of preferences to schools, and the question of the diversion of property. He did not agree with those who considered the matter in the light of a contract, and that the least alteration of the Statutes would form a breach of contract, and create a claim of restoration to the heirs of the original founders. Let the House consider how these arrangements were made, and whether there was anything like a contract under which the State could be said to have guaranteed these foundations for ever from all regulation by legislative power. It would almost appear from some of the Statutes that the Government made a bargain with the founders, and said, "If you will give your property to a great public object, we will guarantee its validity and permanence." But the real state of the case was this—that landed property in those days, being subject to all the incidence of feudal tenure, the Crown had a direct interest in keeping it out of mortmain, and in surrendering that interest received nothing, but, on the contrary, made a concession. The Crown gave charters of incorporation, and those charters empowered the persons incorporated to make by-laws, which, in such cases, were called Statutes; but that these by-laws were to be subject to the general law was so clear and elementary, that it must have been obvious to the founders at the time that these powers were given to them, subject to such surveillance. He did not view the matter as one of contract, but desired to look into each of the grounds on which the founders had established their preferences on their different merits. To the abolition of some he had no difficulty in assenting; but with respect to others he thought they had been dealt with by the Blil in a very reckless manner; and it was his intention to place certain Amendments on the table, to be considered, as he had previously stated, in Committee. With respect to founders' kin, he thought the recognition of lineal descendants without stint, and of collateral relations for one hundred years from the foundation, was liberal and ample. It was not to be thought that founders contemplated that the claim of kindred would be set up indefinitely and for ever, but rather that the word "consanguinity" had in their eyes the definite and restrained meaning which both the canon and civil laws would in those days have made familiar to them, as at the present time a bequest of money in the most general words to relations would be construed by our courts to mean only those relations who would be recognised under the Statute regulating the distribution of personal property. It was also to be observed that our law would not now allow any man, even in a settlement specially intended to provide for his family, to do so for more than existing lives, and twenty-one years, and it was hardly reasonable that he should be allowed to provide for them permanently under colour of a charity. With respect to the subject of local preferences, there was more difficulty—a difficulty which he should in some respects have found insuperable, were it not that he thought that the purposes of local preferences might be carried out more efficiently by a school in the neighbourhood, than by giving the preference to birth or residence, because two or three exhibitions given to a large district could have hardly a perceptible effect in stimulating exertion. In general, too, when preferences were given to districts, except in special cases, such as that of a preference given to the birth-place of a founder, they had been given for reasons which had long since passed away, or for reasons arising from the existence of preferences elsewhere. If these preferences were uniformly abolished, there would be as much gain in one case as loss in the other; and he had, therefore, felt that justice required that if these preferences were interfered with all should be abolished, since the compensation to a district whose preference was abolished would be that you opened it to the preferences of other districts. It was certainly better for the districts as well as for the University that the best men of all districts should have a chance over an enlarged field, than that second-rate men should, from want of competition, obtain prizes which they would not otherwise have obtained. So long as the fellows were merely students—the recipients of the bounty of the founder—there was no reason why, in their selection, local preferences should not be admitted; but now that, by the lapse of time and change of circumstances, the fellows had become the great instructors of the young men of the University, to a certain extent filling the position which was filled in foreign Universities by the professors, and now that they were at Oxford, as he hoped they would long continue to be, the regulating power in regard to instruction, it was of more importance that they should be eminent and distinguished men, and preferences which would not have been injurious under former circumstances became so under present ones. This afforded a strong reason for departing from local preferences with regard to appointments to fellowships, though not with regard to appointments to scholarships and exhibitions. He next came to the question of schools, and here he must confess that his objections very much preponderated over his approval of the provisions of the Bill. He believed that a great deal would be lost to the interests of the University and of the country at large by cutting up the great schools root and branch, as it had been designed to do; and that great care would be required in dealing with the smaller schools, by the destruction of which you might do serious local injury and much impede the expansion of education in remote districts. One of the efforts which ought to be made in these days was to push education into every place where you could find standing for a school; and it was a very cheap way of doing this if by means of a few exhibitions you could tempt persons to send their children to a school which otherwise would not exist. This applied not only to the small schools, but to some of the great ones. Take the case of the Merchant Tailors' School, which was a school of very great celebrity, turning out scholars of considerable reputation, and succeeding very well in attaining the object for which it was established. That school, however, was kept upon its legs entirely by the fellowships of St. John's, which the pupils there might look forward to. The situation of Merchant Tailors' in the heart of the City was not a favourable one; parents might rather be disposed to send their children into the country than to it; if, therefore, these advantages were taken away, the school would have no foundation on which to rest, and an institution now educating some 200 or 300 boys with great success would dwindle down, and finally would be destroyed. The school had not abused these advantages, for a reference to the men who had been educated at St. John's College would show that, notwithstanding the closeness alleged against this foundation, they had distinguished themselves very remarkably both at the University and in the world. This was a case which deserved great consideration, and he hoped it would receive it at the hands of the country and of the Government. Another case was that of Winchester College, at which he was himself educated. That college, which had for 460 years maintained a distinguished place, did not stand merely in the position of a favoured school, but was, in fact, an integral part of New College, with which the founder of that college, by his Statutes, designed that it should be indissolubly connected. By the Statutes the fellows of that college were told to seek, not for those who were best skilled in letters, but for those who had been educated in his college at Winchester. Winchester College had always been restricted to a fixed, and that a small number; and could not, therefore, claim so many Members of this House as the kindred College of Eton, but there were hon. and right hon. Friends of his there whose names would show that it had borne good fruit, and when he remembered that he was then addressing one of the most distinguished ornaments of that school, and that both the Speakers of the two Houses of Parliament were from Winchester, he hoped that it would not be considered presumptuous in a Winchester man to say that he thought that school was entitled to some consideration from the House. He would not trouble the House with details, but he hoped to lay on the table Amendments, which should secure the greater schools entirely, and the smaller ones, under due limitations, against abuse. With respect to the diversion of property from the colleges to the University, he felt very strongly; but there was one view of the case which would lead him to consent to dealing with such property to a limited extent. He thought, for instance, that it would be fair to tax the colleges, not to take away part of their property, not to suppress their Fellowships, nor to impose upon them extra fellows to take a share in their government, but to tax them by money payments, so far as the young men of their own colleges were to be benefited by the expenditure for University purposes. If, indeed, the colleges persisted in a claim to be treated as identical with the University, he thought that they would have no right to complain of being taxed indefinitely for the support of that which would then, upon their own showing, be themselves; but this was not to be the case. By this Bill it was proposed to establish private halls, which would admit independent persons, and he did think it was monstrous to expect that the colleges should be taxed further than was necessary for their own members, in order to afford advantages to persons who came there without any reference to them, except as members of the University. He looked with considerable jealousy at many of the provisions of the Bill on this subject, and hoped to see it much modified. He should be very unwilling to see the number of fellows diminished, but he thought it quite legitimate to convert fellowships into scholarships; because he thought that by that course the intention of the founder would in most cases be carried out better than it was at present. The intention of the founder generally was to have well-educated persons living on his bounty, for the purposes of study, and not persons who were conveying instruction to others. He was afraid that the Amendments which he should have to lay upon the table would be rather voluminous; but his object would be to secure as much as possible the application of property in the direction indicated by the founder, and to provide that, where its disposition was altered or rearranged, this should be done chiefly and almost entirely with regard to college rather than University purposes, and that, above all things, no attempt should be made actually to take it away. From the whole statement he had made on the subject of the Bill, the House would see that he must vote for the second reading, and that all his objections were simply objections of detail. He trusted the Government would be disposed to listen to those objections, which, so far as he was concerned, he could assure them would not be raised in any captious or hostile spirit. He hoped they would discover that a spirit of candour and moderation with regard to this measure had been predominant in that House, and he intreated the Government to consider that if they insisted too pertinaciously upon their own view of the case, and refused to give way upon points of detail, but made it a matter of party division, on them would rest the responsibility of damaging a Bill from which, if it were worked out and amended, as he hoped it would be, he for one really expected great benefits would result to the University and to the country generally.

Mr. BYNG said, he must express his deep regret that the University of Oxford should have been so insensible to the exigencies of the times as to render compulsory legislation on this subject necessary. He believed very few persons, either in or out of this House, would deny that some change was required in the system now pursued at Oxford. Indeed the University itself, so far back as the year 1837, speaking through its late Chancellor, had declared that steps were being taken for the amelioration and improvement of its educational system, as well as of its Statutes; and in a debate which took place in the House of Lords on the 8th of May in the same year, the Chancellor of the University used these words:—

> "I am authorised to say that they, the governing body of Oxford, are prepared to bring forward those changes and improvements which the noble Lord has so eloquently urged upon the House."

That promise the Legislature accepted, in the confident hope that these changes would be introduced at an early period, and had patiently forborne from interference; and yet, from the year 1837 up to 1854, one measure, and one measure alone, had been submitted to the heads of houses and carried into effect—he alluded to the new examination Statute; and even this scheme had worked so confusedly in its details, that changes had been, and were even now, introduced into its different bearings. With respect to the right of the Crown to appoint Commissioners, in his judgment the University could in no more graceful manner have testified their gratitude for the benefits and privileges which they enjoyed from Royal favour than by cordially co-operating with Her Majesty in the views which had been expressed in the appointment of this Commission. As to the measure now submitted to the consideration of Parliament, he thought the new kind of government which was to take the place of the board of heads of houses stood forward more prominently for approbation. The chief objections against the Hebdomadal Board were, first, the manner in which that

Board was constituted; and, secondly, the isolated position in which it stood for the most part as regarded the University. The heads of houses were too often chosen from some non-resident fellows who possessed rich college livings; and he thought that the man who spent his life at a distance from the University was the last person fitted to govern its councils or take part in the management of its affairs, for though a man might be exemplary as a minister, and most diligent in attending to his parish, this did not necessarily constitute a knowledge of passing events in a very distant sphere of action, or of being thoroughly well versed in Oxford Statutes and its educational requirements. Now, he thought that under the new system all classes were fairly represented — the heads of houses, the college tutors, the professors, and, lastly, a body of men as accomplished and as industrious, and to whom he would wish to tender his most earnest feelings of gratitude and respect —he referred to the private tutors of the University—for he could not help hoping that some from among that body would be chosen to assist in the government of Oxford. He hoped, too, that the residence of fellows would be more rigorously insisted upon, and that those who were best calculated to assist, if not in the education, at least in the social and moral improvement of the students, would not be permitted to spend the income which they derived from their college at whatever distance from Oxford they pleased. With regard to local exhibitions and scholarships, he believed great and incalculable good had arisen from these, and he should be sorry to see any change made in this respect. In very many cases able and distinguished men had been enabled to enjoy the benefits of a University education, which they could never have otherwise obtained but for the existence of these advantages; and upon this point he would venture to quote the evidence of the senior censor of Christ Church, who said:—

> "I can point to many who have been brought here by local foundations; I am myself one of those, and I could instance many others who have not disgraced themselves, and whose thoughts were turned from school to college by the operation of this sole cause. And I venture here to call upon you not to give up silently this patrimony of the poor, and not to convert into prizes for 'merit,' as developed in examination, what was intended as a relief of poverty and the support of men who would not otherwise have thought of coming here. It is to the establishment of local foundations, in connection with training, national, and other schools in towns, that I look for the extension of the University to the poor, and it is the means of providing for such classes which I have especially considered."

There was one important omission in the Bill which he trusted the lapse of time would supply. He could assure the House most respectfully, sincerely, and unaffectedly, that he yielded to no man in his earnest respect and veneration for the pure and simple ritual of the Church of England, which he trusted never to see endangered or tampered with; but, at the same time, he could not help thinking that that would be a great and generous measure, and that the Legislature which produced it would be worthy of the thanks of all those who were not animated by feelings of sectarian animosity, which, while maintaining the undoubted claims and privileges of the Established Church, should, nevertheless, devise some means by which upwards of 5,000,000 of their countrymen —he alluded to the Protestant Dissenters of England—might be enabled to enjoy the advantages which a more extended educational system at Oxford would well supply, especially as they had lately been reminded that there was no surer road to honour and distinction in this country than an enlightened system of education. He would not have ventured to rise at so important a moment as this had he not felt compelled to express his hope that reforms might be made in the University, for which he felt sure every one who, like himself, had had the honour and happiness of being educated there, must always entertain feelings of gratitude and respect. It was because he felt that a wider field of education, and a more extended educational policy, was necessary both for the present and future well-being of the University, that he ventured to hope the measure now before the House might speedily become the law of the land.

Sir JOHN PAKINGTON said, he was unable to express opinions so favourable to the Bill as had been pronounced by the hon. Member who had just addressed the House for the first time, in a manner which, he was quite ready to admit, seemed a most favourable promise of his future career in that House, and showed the possession of very considerable ability on his part. He confessed that he felt desirous to enter at greater length into the provisions of the Bill, than his hon. Friend the Member for the University (Sir W. Heathcote). He, like his hon. Friend, was disposed not to offer any resistance to the second reading of the Bill, but to reserve the objections which he entertained to its provisions to be the subject of consideration when the Bill was in Committee; but at the same time he felt bound to state that he had arrived at that conclusion, and at the intention of not opposing the second reading of the Bill, after considerable doubt and hesitation. The present was, however, the appropriate time to consider and examine what were the principles of this Bill. He had heard that question asked, but he had never heard it answered without considerable hesitation and difficulty. In his opinion, that difficulty and hesitation arose from the fact of the principles of the Bill being not simple and uniform, but, on the contrary, manifold, complicated, and contradictory. Doubtless in a great measure, the principles of the Bill were for the purpose of reforming the University, and for the extension of its powers of action; and to these principles he did not take any exception; but were there no other principles in this Bill? He was sorry to say that, in his opinion, there were. In the first place, from the first to the last word of this Bill, he found pervading every clause, even pervading every line, a principle which was entirely unnecessary, unmerited, and uncalled for, and therefore unjust—it was a principle of distrusting every existing University authority. He next found a principle of what appeared to him to be an exceedingly arbitrary, not to say tyrannical, control over bodies which hitherto had been free and independent, possessing great powers of self-government, which now they were about to be prevented from continuing to exercise. Again, he found what he considered to be the worst and most objectionable principle of all—a principle which involved a violation of the rights of property, inasmuch as it interfered with the dispositions made by the founders of colleges, and it interfered, in an unjust and arbitrary manner, with the rights which had accrued under those dispositions. If he were justified in the opinion he had now expressed, that these were principles contained in the Bill, he was also justified in feeling the degree of hesitation which he had entertained as to whether he could, consistently with his sense of duty, give even a qualified assent to the second reading of the Bill. If he had, however, arrived at the conclusion which he had stated to the House, he had done so because he was desirous, before it was too late, of remonstrating with Her Majesty's Government upon the manner in which the Bill, from beginning to end, had been drawn. If he was willing to abstain from making this most important measure the subject of a party conflict, he did so in the hope that the Government would accept in a fair spirit the criticisms and objections to this Bill—criticisms and objections which had been shadowed forth in a spirit, which every one must admit of the greatest moderation, by his hon. Friend the Member for the University (Sir W. Heathcote); and he himself was disposed to deal with the subject now very much, if not entirely, in the same spirit. Further, if he should feel compelled to criticise with some severity parts of this measure, he hoped that the Government would believe that those criticisms came from one who was not adverse to necessary change—that they came from one who was ready to admit that there was great room for improvement in the University of Oxford and in the arrangements of some of its colleges—but that, at the same time, they came from one who was of opinion that, in adopting any legislation which might be necessary to effect those objects, it was the duty of the Government to approach the subject in a spirit of conciliation, of moderation, and of justice, and not to frame a measure which must necessarily give umbrage and offence to the University with which it was to deal.

The first portion of the Bill, and that portion of it which related to the establishment of a Commission, was, as it appeared to him, the subject best adapted to be first treated of. It was intended to establish a Commission, and to place in the hands of that Commission powers of what appeared to him to be unusual and objectionable control. He must here express the surprise he had felt at hearing Gentlemen in that House who had entertained objections to the establishment of that Commission, say that their objections had been disposed of by the names of the parties who had been selected to serve on that Commission. He would most willingly subscribe to any compliment addressed to those persons composing the Commission, and although he considered them to be persons judiciously selected, who were well qualified for the duties they were required to discharge, still he felt bound to state that he could not see what security that House or the University had for the continuance of those gentlemen in the fulfilment of their duties as Commissioners. On a former night the noble Lord the Member for London (Lord John Russell) gave the names of two persons whom he had selected to serve in this Commission—the Bishop of Ripon and Mr. Justice Coleridge—and he would at once admit that the names of two persons more competent could not have been selected; but, at the same time, considering what was the nature of the duties of a bishop, and also of those performed by a judge, he had no confidence that either of those eminent persons could spare time for four successive years at least, to deal with the complicated details of University reform. He found by the third clause of the Bill that—

> "If any vacancy occurs in the number of such Commissioners, by means of death, resignation, or otherwise, Her Majesty may fill up such vacancy."

Now it was well known that, in those cases, the Crown meant the Minister of the day, and, whatever confidence there might be in the names of the Commissioners, he doubted if the University would feel equal confidence in the Minister of the day, that Minister being the very same person who had drawn up a Bill which was open to so many grave and serious objections. He could not, therefore, think that the names of the Commissioners could be looked upon as a sufficient reason for reconciling the appointment of this Commission to the University, more particularly considering the arbitrary powers with which the Commissioners were to be intrusted; but, speaking of the University as distinct from the colleges, was it necessary to give these powers at all? He thought not, and had no doubt but that those powers were given in consequence of that feeling of distrust to all University authority to which he had already adverted. What was the power more especially delegated to the Commissioners? The power most prominently given to them by the Bill was the power in connection with the establishment of halls for the extension of the University. By the 41st clause it was enacted that if the Hebdomadal Council had not by a certain day

> "Framed and submitted, for the approval of the Commissioners, such Statutes or Ordinances as may, in the opinion of the Commissioners, be sufficient for carrying into effect the objects of this Act in respect of the several matters and things intended to be done by them respectively under such powers, it shall be incumbent on the Commissioners, as soon as possible after such day as aforesaid, to proceed themselves to frame Statutes in respect of any matters or things so left undone or imperfect by the said University or by the said colleges."

Now he asked, had the conduct of the University upon this subject been such as to call for or justify this arbitrary power being conferred on the Commissioners? What was the fact? He held in his hand a Statute not yet submitted to Convocation, but which would be submitted early in Easter term next, in which it was proposed to

> "Permit colleges and halls to annex to themselves, subject to certain conditions, 'affiliated halls,' or houses for the reception of their members, such halls being under special regulations, in regard to economy, or otherwise, at the discretion of the college or hall to which they may be annexed; and to permit the establishment of 'independent halls,' to be exclusively placed under special regulations for diminishing the expenses of the students."

By such a proposal the advantages of the University would be extended as effectually as they could possibly be by the appointment of the Commission, and the discipline of the University would be less impaired than by the measure proposed by the Government; and, in his judgment, Her Majesty's Government would have done well to leave the University to arrange this matter without the interference of a Commission. With regard to the colleges, he believed—and his hon. Friend the Member for the University had, if he had understood him aright, made the same admission—that, although even in that case he objected to the arbitrary powers given to the Commission, it was desirable that some external authority should be established, but at the same time he wished the Bill had been drawn up in the shape of an enabling rather than a compulsory Bill, although he thought that some external authority was desirable to encourage those colleges which were not in the first instance willing to make any change of themselves. That object could, he thought, be obtained without the establishment of a Commission, either by increasing the authority of the visitor, or in some other way, and he believed that this Commission was invested with powers so arbitrary and so extensive that the new constitution would not be acceptable to the University, and that the members of the University would not consent to be members of that constitution, which would be over-rode by the powers of the Commission.

Having stated the objections he entertained to the part of the Bill which proposed to confer such extraordinary powers on the Commission, he would proceed to advert to the constitution of the new governing body of the University, and in that part of the scheme the Government again showed distrust of all the University authorities. The University itself had submitted the plan of an altered form of Government, to which, in his opinion, no fair, no just objection could be taken ; but that plan had been peremptorily rejected by Her Majesty's Government—rejected without discussion, though there was not, he was assured, any disinclination on the part of the University to modify it. And he could not help remarking that it would have been more consonant with the principle which Her Majesty's Government professed to be actuated by in respect of the Bill, if they had done so, or at least left the University more freedom of action in the matter. But was the Bill of the Government free from objection on the score of the governing body of the University? On the contrary, he believed it would be found open to grave, just, and serious objections in that particular. The principle of this part of the Bill was, that the governing body was to consist of three classes in equal proportions. The first was to be composed of heads of houses; the second was to be composed of professors, and here he (Sir J. Pakington) might add that he thought members of the rank of tutors might be admitted to this class; the third was to be composed of members of the University, chosen generally. He would ask Her Majesty's Government whether the mode of election to this body was not obviously open to improvement? Would it not be far better, instead of electing them by means of a body, to be called the Congregation—(he was aware that a body of that name existed in the University, but it had no analogous functions to that proposed in the case of the body he had alluded to)—would it not be more acceptable to the University that those three portions of the governing body should be elected each by the class to which it belonged; the heads of houses, for instance, by the heads of houses; the professors by the professorial body, and the third portion by Convocation. He had reason to believe that, if the Government assented to this change, the constitution of the Hebdomadal Council would be more acceptable to the University, and would be more likely to act harmoniously. He thought, among other things, that the establishment of the body to be called the Congregation would be found of very doubtful utility, if not positively injurious, and that it could therefore be very well dispensed with. It was, indeed, one of the most objectionable parts of the Bill, in his opinion. By the plan proposed as regarded that body, the Congregation would, in fact, ultimately subside into a useless—he might add a mischievous—debating society. He saw great danger to be anticipated from a body who would have the right to discuss everything, without the power of deciding anything; and, as a necessary consequence, he anticipated that it would keep the University in a constant state of agitation and disturbance, that it would be productive of great discord, and that, by the differences of opinion it would tend to create and to foster, it would end in the most pernicious results. He therefore called the attention of Her Majesty's Government in the strongest manner to this point. In connection with this subject, he believed it would be necessary to extend the present functions of the Convocation, but the mischief would be, if the Congregation was established, that the Convocation would in fact be almost entirely superseded. He would next call the attention of the House to the other branch of the subject—that which had been also adverted to as one of the objectionable principles of the Bill—namely, the spirit and mode in which the measure proposed to deal with the wills of the founders of the colleges, with existing rights of property and with the modes in which the fellowships and the emoluments of the University were hereafter to be obtained. To the preamble of the Bill in general he took no exception, but he wished to direct the attention of the House to one point in the preamble. It was there stated :—

> "Whereas it is expedient, for the advancement of religion and learning, to enlarge the powers of making and altering Statutes and regulations now possessed by the University of Oxford and the colleges thereof, and to make and enable to be made further provision for the Government and for the extension of the said University, and for the abrogation of oaths now taken therein, and for insuring the enjoyment of fellowships and other collegiate endowments according to personal merit, and for promoting the main designs of the founders, both as respects the appointment to the said endowments and the continued tenure thereof."

Now he would ask the House if those words were consistent with the way in which the Bill invaded the designs of the founders. It seemed to him that only one of two things could be done—the preamble must be struck out, or that part of the Bill referring to the appropriation of part of the college funds for the erection of new professorships. He could show that over and over again the designs of the founders were entirely disregarded, and he would ask the House to look at the provisions in the 28th clause, which established the regulations as regarded fellows, and see if they did not bear out that assertion. That clause said, in substance, that no preference should be accorded to any candidate by reason of his place of birth, kinship, education at any particular school, or from any other cause, over any other person of superior knowledge. Was that what the Government called respecting the designs of the founders as regarded these appointments? The designs of the founders were clear and specific; they referred to all these things, kinship, particular schools, particular districts, particular colleges, and in very many cases to indigence. But these things, though designed by the founders, were disregarded in the Bill; and all gave way, with some few and unimportant modifications, which did not affect the general argument, to the one single principle of examination. The man who could therefore pass the best examination—in other words, to use a phrase well known in University life, the man who was best "crammed"—was to attain these fellowships. Was that a wise principle? Was it in conformity with the words of the preamble? Was there any man of experience who would venture to say that the examination of a young man of one or two and twenty could be taken as a trustworthy test of his future qualities. He (Sir J. Pakington) admitted the principle of examination was, if sufficiently guarded, valuable in itself. But it existed under the present constitution of the University in that form. Examination prevailed in the favoured schools. Above all, however, the principle, as sought to be applied in the Bill, was not in the intention of the founders. They had other objects in view, objects which had been acted on for centuries. Had they been attended with bad results? On the contrary. No man could say that Oxford was deficient of eminent men at any period; while, on the other hand, the intentions of the founders had been respected, existing rights had been regarded, and the principle of indigence, which was entirely set aside by the clause in question, had been specially recognised. What was the feeling excited by the attempt now made to invade the wills of the founders, and change the principle on which these emoluments, as they were called, had been awarded? He had in his hand a pamphlet written by the Rev. Mr. Woodgate, rector of Belbroughton, an able and good man, an ornament to his profession, and in every way entitled to have his authority in a matter of this kind respected, and he referred to that portion of the Bill in which the fellowships and emoluments were dealt with. He said:—

> "The strongest case, however, is that of Worcester College. Here, by the terms of the endowment, some of the scholars, from whom the fellows are chosen, are to be elected from certain schools in Worcestershire, the founder being a Worcestershire man; a preference being given to five schools with which he was more immediately connected; with remainder, so to say, to any other endowed schools in the county, in default of persons qualified from those first mentioned."

Here, then, were endowments on liberal and comprehensive principles. Certain schools were to have a preference, but, in their default, the advantage was extended to other persons in the county. On what principle of justice could such a foundation be interfered with, the obvious intention of the founder having been to give a preference to the locality with which he was connected? He repeated that he could not see the reason or justification of such a flagrant act of injustice. Oxford, as he had previously stated, was not deficient in eminent men; though he maintained that the desire to send eminent men to the University was not a sufficient motive for this violation of the intentions of the founders. In the pamphlet from which he had just quoted there was another reference to Worcester College:—

> "Six other fellowships at Worcester College were founded for the 'sons of English parents in the provinces of Canterbury and York, and none other;' a preference to be given, *cæteris paribus*, to the 'orphans of clergymen of the Church of England.' Seven other professorships were founded for 'sons of clergymen of the Church of England who want assistance to support them at the University.'"

The test of this want was a certificate from the clergyman of the parish and four respectable householders. But the 28th clause proposed to set aside that portion of the intention of the founder, as it did the other portions; and the claim of the sons of clergymen would be disregarded for those of the best crammed candidate. There was nothing like a personal illustration of a point; and this was furnished by Mr. Woodgate. In reference to the existing state of things and the proposed change, the rev. author of the pamphlet thus states his own case:—

> "Owing to a sudden change of circumstances in my own family, at the very moment when I was desirous of entering the University, I could not have done so but for the assistance provided by one of those 'close' fellowships, which it is now proposed to appropriate to other objects. To one which became vacant at that time, my fellow-townsmen elected me, and by the assistance thus given, was I enabled to receive the benefit of a University education. And my case is that of hundreds. I may venture to say, that in my own college, and other colleges similarly situated, there are very many who, like myself, would have been debarred the University, but for the assistance thus given. Small comfort would it have been to us to be told (as those boys at the same school must be told, should this measure of confiscation be carried) that this resource was now for ever cut off, in order that the funds may be converted into prizes for 'literary merit,' or to be bestowed on those whose parents' ampler means would enable them to complete their University course without such assistance."

He hoped this illustration would not be thrown away on the noble Lord opposite. The case of Winchester School and New College, adverted to by the hon. Baronet the Member for the University of Oxford, was a strong one, and showed the necessity of reconsidering this part of the Bill; for of the seventy scholarships and fellowships of New College, thirty-five were enjoyed by Winchester men. He asked the House to recollect the words of the preamble, and he would inquire whether the main designs of William of Wykeham, who etablished Winchester School, would be carried out? In the petition presented from the warden and fellows of St. Mary's School, Winchester, they gave an extract from the 66th Rubric of the Statutes for establishing that institution; and from the words one might suppose that William of Wykeham had foreseen that some attempt like the present might one day be made to violate the purposes of founders:—

> "In order to complete the number of seventy scholars, as above limited by us, we have ordained that in all future times should be elected and admitted, not those already learned, skilled in letters, and wealthy, or accomplished in arts, as we see generally elsewhere, but those only and exclusively who, as it were from their cradle—that is, from their childhood—must first in our College of Winchester (which, too, we have established and founded for this very reason) live continually on our bounty, and attend to and be instructed in the rudiments of grammar; and who, in their youth and to their old age, are to be supported by our bounty, giving themselves to the study of the liberal arts and sciences in our two colleges aforesaid."

He believed that these rights and endowments would not be respected by the words of the Bill as it now stood, and the alarm was great at Winchester and New College lest, by the passing of the present Bill, these rights should be, at an unhappy moment, destroyed by the consent of Parliament, carried away by party considerations and the indifference of the moment. He would not detain the House by going into the particulars of other colleges, but he had seen memorials, most powerfully and conclusively drawn up, from Christ Church, one of the finest institutions in Oxford, and from Oriel, the latter college being directed to elect none as fellows but *pauperes, humiles, et indigentes;* and yet this claim, founded on "indigence," was, according to the Bill, to give way to "examination." His feelings on this part of the Bill were very strong, and he would quote with respect a higher authority than his own—that of the right hon. Gentleman the Chancellor of the Exchequer. In 1850, when the noble Lord opposite proposed the Commission to inquire into the University of Oxford, the right hon. Gentleman dwelt with his usual force and power on the necessity of maintaining "local freedom and independence in local institutions." The right hon. Gentleman said:—

> "Into the question of the restraints in the election of fellowships I will not enter at length. It is plain, however, that neither the House of Commons nor the Crown can assume a jurisdiction to remove those restraints. . . . . It is plain the principle of examination must have some limitation. I would not like to see a Prime Minister or any other Member of the Cabinet appointed by examination. I would as soon have them chosen out of a particular county or a particular diocese. And so in the case of fellowships—you may ascertain the competency of candidates by examination, but we all know there may be as much trick in passing through an examination as anything else; and I protest against examination being taken as the sole and only test of the fitness of candidates for those foundations."—[3 *Hansard*, cxii. 1498.

That was the language of the right hon. Gentleman. How, then, could he reconcile it with his support of the present measure? The right hon. Gentleman then went on to say:—

> "What was wanted was, to see the Universities embracing a large number of persons from the poorer classes; and if they wished that object to be attained, they must not interfere in this way with the Universities. The noble Lord had large means in his hands of doing good in communication with the Universities; but the course he now followed held out but little hope of that, because the course now proposed would be resisted by the members and friends of the Universities; and whatever might be said of those Universities, it could not be denied that they formed a great,

powerful, and conspicuous figure in the history of this country."—[3 *Hansard*, cxii. 1511.]

What was meant by this was, the appointment of the Commission. The 28th clause, however, excluded indigence; how could the right hon. Gentleman, therefore, give it his support? The right hon. Gentleman then concluded with this proposition, that freedom and self-government were essential to the prosperity and welfare of the Universities. The Bill before the House did not say one word on that subject; it simply said to the colleges, if within a twelvemonth you do not do certain things, I 'll step in, and make you do them. Was that the freedom and self-government which the right hon. Gentleman advocated as essential to the welfare of the University only four years ago? He (Sir J. Pakington) read these extracts because the interest felt by the University of Oxford on the question was intense, and because he had a right, when he found a Gentleman of the eminence of the Chancellor of the Exchequer using words so utterly irreconcilable with the principle of the Bill, to ask that right hon. Gentleman on what ground he had changed his opinions and views on the subject. He felt, also, that he had a right to claim the support of the right hon. Gentleman in virtue of what he had formerly advanced. If the opinions of the right hon. Gentleman had undergone that change—if they were in 1854 directly the reverse of what they were in 1850—he had a right to quote the words of the right hon. Gentleman against himself, and as an authority in favour of the views which he (Sir J. Pakington) was now advocating. He attached more weight to the opinions expressed by the right hon. Gentleman in 1850 than to those he now expressed, trammelled as the right hon. Gentleman now was by that strange alliance with a Government from which he was free when he first spoke on this subject. He wished, before he concluded, to call the attention of the House to the last words of the pamphlet of Mr. Woodgate, to which he had previously alluded, and which were as follows:—

> "After looking at this scheme in all its bearing for several years, and trying it by all the tests which, in my opinion, honest men can recognise or prudent ones admit, I can only see in it perfidy towards the dead, injustice to the living, and cruel wrong to those who come after us."

These were hard words; but if they were true, they were not too hard. It was no light consideration, even if these words were not true, that men of high standing and ability, of acknowledged piety and worth, should believe them to be true. He appealed to the noble Lord (Lord John Russell) whether it would not be better, even at that time, and more likely to attain the object he had in view, if he were to attempt to frame the measure in a spirit of moderation and conciliation, so as to carry the support of the University along with him, and not allow it to feel that their feelings were outraged and their rights invaded. The noble Lord might, perhaps, boast of the division which had taken place the other day in the University of Oxford, when a trifling majority was obtained to petition against the Bill—a majority so trifling that some might suppose, if there had been a larger gathering of members of Convocation, that the division would have been equal. He would not stop to consider on which side of that division the greater weight of authority lay. The division itself was no matter for the noble Lord or the advocates of this Bill to boast of. Considered in the most favourable view, it only proved that the University was divided in opinion on this question. Was it well to have the University so divided? It would be far better, as he had already stated, to frame a moderate measure in a conciliatory spirit—a measure that would not outrage their sense of justice, less arbitrary in its character, less open to the objection of invading the rights of property, less tyrannous over the authority of the University than the present, and more in accordance with freedom, self-government, and the spirit of the Constitution. Admitting the necessity of change, he would, therefore, abstain—though he did so reluctantly—from resisting the Bill in its present stage. He clung to the hope that the noble Lord would still meet the opponents of the measure in a conciliatory spirit, and would make such concessions as would render it acceptable to those who disapproved of it. If the noble Lord should not do so, the opponents of the Bill must use their privilege, and endeavour in Committee to introduce the Amendments they deemed necessary. If they failed in these Amendments, he for one should not be able to assent to the third reading.

Mr. BLACKETT said, that his object in rising to address the House was simply to state the view which he thought a liberal, and one who approved of the recommendations of the late Royal Commission might fairly take of the present measure. He never regretted more than he did on the present occasion the exclusion of Dissenters from the University, and he almost felt ashamed to invite them to consider the reformation of an institution, from the benefits of which they were so studiously excluded. He thanked the noble Lord the Member for the City of London (Lord John Russell), not only for the labour which he had bestowed upon the present Bill, but also for the courage and wisdom he had displayed in issuing the Royal Commission of Inquiry into the University. It must always remain as an immortal contribution rendered by the noble Lord to the cause of academical reform that he first broke ground on this subject, and invited Parliament to aid in dealing with the wealthy corporations of Oxford and Cambridge. It was impossible to appreciate either this measure or the objects at which the Commissioners had aimed, unless they considered the state of things which the Commissioners found existing in the University. No one could consider that as either creditable or satisfactory. No one single liberal study was prosecuted in a manner which could be regarded without shame and sorrow. Every liberal science had been sacrificed to the one pursuit of theology and the one object of educating clergymen; and it was not surprising that under these circumstances theology itself shared the general caducity and decline. Some colleges, notwithstanding their splendid endowments, did not even attempt to give instruction in the rudiments of mathematics. Physical science, in spite of the splendid names of Buckland and Daubeny, who filled professorial chairs, was so totally neglected, that the hon. Member for Kidderminster (Mr. Lowe), in the able evidence which he gave to the Commission, dwelt upon the notorious disadvantages to which Oxford men found themselves exposed in colonial life, on account of their astonishing ignorance of the most ordinary laws of the physical world. Medicine, again, was so entirely neglected, that he (Mr. Blackett) only recollected two gentlemen going through the academical course as a preparation for the medical profession during the seven years that he was connected with the University. The remuneration for law lectures was but scanty, but it was more than sufficient, when they looked at the small number of students who, in threes and fours, presented themselves for instruction. The study of Greek and Latin was conducted through the medium of the works of German and French professors; and even in the favourite study of theology, the failure of the University was conspicuous. Dr. Pusey, in his evidence before the Royal Commission, said, with reference to this point, "Instead of extending our usefulness, we have been gradually losing the preliminary education of the clergy." The Commissioners, in their Report, entered more into detail; they said:—

> "Oxford still educates a large proportion of the clergy; but learned theologians are very rare in the University, and, in consequence, they are still rarer elsewhere. No efficient means at present exist in the University for training candidates for holy orders in those studies which belong peculiarly to their profession. A University training cannot indeed be expected to make men accomplished divines before they become clergymen; but the University must be to blame if theological studies languish. Few of the clergy apply themselves in earnest to the study of Hebrew. Ecclesiastical history, some detached portions excepted, is unknown to the great majority. The history of doctrines has scarcely been treated in this country. It may be safely stated that the Epistles of St. Paul have not been studied critically by the great bulk of those in orders."

Such was the state in which theology found itself in the great theological University of England. The Commissioners had no difficulty in tracing the failure of this institution to the suppression of the University, properly so called, and the substitution for it of a vast collegiate system; nor could they forget that the regulation first established by Archbishop Laud, that each student should attach himself to a particular college, arose from his intention to suppress Puritanism in the University. It was remarkable that, from that moment, Oxford had more and more divorced herself from the progressive march of English thought and science. The first consequence of this step was, the government of the University was monopolised by the heads of colleges, and its teaching by the college tutors. It was to be remembered that the office of college tutor was generally filled by young clergymen, who, although in most instances, men of exemplary piety, zeal, and devotion, could, nevertheless, scarcely be expected to have acquired profound erudition on any one subject, yet they were called upon to teach on all. The effect of this was, to restrict the number of subjects on which the University professed to teach, and her inability to teach on more was only rendered more obvious by the recent endeavours to extend the curriculum of studies. On this point the Tutors' Association said that there were two prominent defects in the University as regarded teachers and teaching; the first was the want of a body of instructors who, confining their attention to a single branch of study, should be capable of prosecuting it to its utmost limits; the second was the want of means to retain in the University men of eminence in a particular branch of knowledge, hardly any of the present tutors in Oxford looking on teaching as the business of their whole life, or as affording a preparation for future employment. As remedies for the two evils to which he had adverted, the Royal Commissioners proposed the establishment of a Board similar in its scope to that contemplated by the present measure, and the appointment of a strong staff of professors, endowed with funds sufficient to secure the services of the ablest men, and to make it worth their while to devote themselves to University teaching as the business of their lives. The funds for this purpose they proposed to provide by a suspension of fellowships in the different colleges. These principles had been accepted in the Government Bill. He thought the Government had done wisely in proposing to enact, that from the first day of next Michaelmas term, the authority of the heads of houses should cease; and it would have been well to apply the same principle to the college tutors and fellows. For he should no more think of leaving the Corporation of London to reform themselves, than of leaving it to the fellows of Oxford to strip themselves of their endowments to enrich a rival power, which they considered —he was sure most conscientiously—to be of a dangerous and most heterodox description. He thought it was most important that the House should see how professorial teaching, recommended, as it was, by the Commissioners, and adopted by the Bill, was disliked by the present authorities of the University of Oxford. The heads of colleges, in the Report they had lately issued, said that the scheme of the Royal Commissioners, with its ample staff of well-endowed professors, and its unattached students, was one which the University never knew, nor hoped to know, for it would tend, they feared, to substitute information for education and sciolism for religion. The Tutors' Association complained that the professors should be raised from a comparatively subordinate position, and should be invested with the almost exclusive direction of the studies and examinations, while they (the tutors) would subside into mere channels for the dissemination of the professors' lessons. This was sufficient to show the House that, if they valued the establishment of professors at all, they must not leave their appointment at the mercy of a class of men who declared the jealousy and suspicion with which they regarded them. In fact, he had no hesitation in saying that a merely permissive enactment would be entirely nugatory. He must now invite the attention of the House to the clauses which related to the appointment of professors; but, before doing so, he must remark that he had never met with a Bill which it was so difficult to understand. A clause commenced with a liberal, sweeping enactment; but we then encountered checks and limitations to its operation which, he was sure, did not proceed from the hands of the noble Lord who introduced the measure. In fact, what was given with the right hand was taken away with the left, and too often the latter seemed to be the stronger hand. Take, for instance, the 38th clause; that enumerated a number of points on which the colleges were to be left free to make ordinances for the amendment of their Statutes, and the most important provision of the clause was that which enabled the colleges to contribute from their annual revenues a sum not exceeding a fifth part to the foundation or better endowment of professorships; and to diminish the number of fellowships or suspend payment of the emoluments of any such fellowships for that purpose. By the 41st clause, this power given to colleges was declared to cease at Michaelmas Term, 1855, and if the colleges had not by that time framed such ordinances for the approval of the Commissioners, then the Commissioners themselves were required to do it. But then came the 45th clause, which was perfectly unique in its kind, and a real marvel in legislation. After the powers given by the 38th and 41st clauses, the 45th clause literally negatived those powers, for it said that—

> "No statute should be proposed by the Commissioners, purporting to do any of the following things, with respect to any college, that was to say: — (1) Abolish any fellowship belonging thereto; or (2) Suspend the same for twenty years and upwards; or (3) Require the application of any fellowship to special studies when the whole number of the fellowships belonging thereto is not more than twelve; or (4) Cancel any Statute limiting elections to the headship to be from

among actual or past fellows of such college; or (5) Appoint any person extraneous to the college to exercise any authority therein; or (6) Abolish any oath other than such as may have been declared unlawful by the provisions of this Act—without giving to such college at least two months' notice of such intended Statute; and if the authorities of such college, including an absolute majority of the fellows, within the said period, declared in writing to the Commissioners that in their opinion such change would be injurious to the college, then no such change should be proposed by the Commissioners."

Again, the 38th clause gave the colleges power not only to diminish the number of fellowships with a view to the foundation of professorships, but to raise the income of the remaining fellowships to 250*l.*, and also to found scholarships in their own colleges. Now he would ask which step were the colleges likely to take first; to appoint professors, or to raise the income of the fellows? By the 44th clause, no college was to be called upon to contribute to the establishment of professorships unless it had twenty fellowships. If then they exercised their power of raising the income of their fellowships, he believed that no college, except Magdalen, would have twenty fellowships, and thus be liable to be called upon for a contribution. He had told the House what the tutors of Oxford felt, and in what way they looked upon the proposed new professorships. They had themselves stated how they intended to act in respect to the matter in which the Government invited their co-operation. A letter was addressed by the Home Secretary to the nineteen colleges at Oxford last year to ascertain how far they meant to act in conformity with the views of the Government. Out of the nineteen colleges eight sent no reply whatever; and this was not a case in which it could be said that silence gave consent. One of the colleges—Corpus Christi—had made a most handsome contribution, and had set a noble example by endowing a Latin professorship out of its own funds; Christ Church had offered an endowment of between 300*l.* and 400*l.* a year; and Merton College had promised to do its best in promoting this object. But what was the answer of the other colleges? Magdalen College offered to contribute in a proportion which it was hardly possible could be seriously intended. It offered to give 100*l.* a year to one professor and 50*l.* each per annum to two others, while the Royal Commissioners stated their opinion that it ought to support three professors at 800*l.* a year each. The other colleges did not tender any contributions, but assigned various reasons for declining to assist in carrying out the scheme of the Commissioners. He thought this must show the House that it was utterly impossible to trust to a measure so purely permissive as the present for the endowment of professorships out of the college funds. There was, he considered, one point connected with the regulation of the University with respect to which he thought all parties would agree—that was, with respect to the recommendation of the Commissioners that the idle and nugatory oaths that now defaced the college Statutes should be repealed. The Government attacked this question in the 24th clause, but they only proposed to remove those oaths which bound the authorities of the colleges to resist any change in the Statutes. Surely they could not be aware of what oaths there were in the college Statutes—that the fellows of Merton College swore to talk Latin at dinner in the college-hall, and the Fellows of All Souls that the porter should shave them once a week. It was absolute profanation to continue the administration of such oaths as these. It was true that the 41st clause gave the Commissioners the power to make Statutes; but then the 45th clause forbade them to abolish oaths other than those to which he had adverted, without the sanction of the colleges. The obligation of these oaths had been made by some of the heads a pretext for resisting the Royal Commission, and he thought it was a matter too serious to be left to the determination of these parties. The next point was the abolition of local preferences, in regard to which the noble Lord had, in his opening speech, laid down most just and wise principles. The Royal Commissioners recommended that all such preferences should be abolished, and merit in examination made the sole ground of election. Clause 28 did abolish them with certain exceptions; Clause 29 excepted the founder's descendants for ever, and his collaterals for 100 years; Clause 30 excepted the heirs of future founders for fifty years; Clause 31 excepted the cases of close scholars, and of the inhabitants of districts having a population of less than 100,000. As an instance of the present effect of these local preferences, he might mention the case of Mr. Senior, who was elected to a Berkshire fellowship, although he had not been in that county since he was six years old; but he happened to have been born there, and was therefore entitled to a preference. The late Mr. O'Connell used to boast that he could drive a coach-and-six through any Act of Parliament, and no doubt the fellows of Magdalen and New College would find means to drive through the present measure. The next point was most important of all, namely, the obligation imposed on fellows of taking holy orders. The Commissioners proposed to abolish this on the very proper ground that persons otherwise indisposed for them might be placed under the temptation to assume these sacred functions from pecuniary considerations; another reason was, that the multitude of these clerical fellowships tended to fill Oxford with theological controversies. Clause 34 proposed to do away with the obligation; it provided that no person should be liable to vacate his fellowship by reason of his not taking orders so long as not less than three-fourths of the fellows were in orders. The succeeding clauses as to residence, however, tended to diminish the attraction for laymen. Clause 35 provided that a lay fellow might be excused from residence for five years, but surely five years were not sufficient to start a man in the profession of law or physic. Clause 36 gave great privileges to fellows in holy orders as to non-residence; it exempted the incumbents of parishes within three miles of Carfax, and of those in which the college owned the great tithes or any property in land, and it named no limitation as to the value of them. Merton College held two livings in Northumberland, of which they owned the tithes; at present, a fellow accepting either vacated his fellowship, but under this Bill he need not. He held in his hand a document, signed by several members of the University, amongst others by two members of the Royal Commission and the secretary, which declared their conviction that the proposed provisions would only tend to preserve the exclusive ecclesiastical character of the University, and they especially referred to Clauses 34, 36, and 38. They expressed their belief that the number of college livings was sufficient inducement to the fellows to take orders. He wished to call the attention of the Liberal Members of the House to the fact that the noble Lord had deliberately departed from and run counter to the recommendation of the eminent individuals whom he had chosen to inquire into the state of the University, and who were Liberals themselves, as all persons selected by him ought to be. The proposed measure must materially diminish the influence of laymen in the University, and diminish the meagre encouragement given to the prosecution of the liberal studies. If it was thought that this was a point of no importance, he would refer to the conduct of the opponents of the measure. They knew perfectly well the influence Oxford must exercise on education in England—that as they increased or lessened the predominance of the clerical element in the University so it would be through the country in general. Dr. Pusey had declared that this was the question, whether the education of the country was to be in the hands of the clergy or the laymen? In former days the work of education was in the hands of the clergy; as they then had the monopoly of learning, of course they had that of teaching. He felt that the maintenance of the clerical element in education would only tend to check the spread of the liberal sciences, which had grown up under the genius and industry of laymen. The susceptibility of the clerical character was not suited to calm investigation. An example had lately been set in the education of the individual in whom all England took the highest interest. He believed it was a fact that as soon as Mr. Birch took holy orders, His Royal Highness the Prince of Wales was removed from his care, and a layman selected to educate the future King of England. It might be said that Oxford was a place for the education of the clergy, but this was a dangerous argument; to attempt to keep Oxford as a nursery for the Church was incompatible with its position as a sanctuary of literature. Any one who had known Oxford for the last twenty years must be aware how it had been distracted with bitter theological discussion, often on such points as the lighting of a candle or the colour of a gown; sometimes, certainly, on points of great importance, but far better suited for a synod than a school of science. During the time that he had known Oxford, only two books of European reputation had issued from the University press — *Arnold's History of Rome*, and *Liddell and Scott's Lexicon*—whilst every little town in Germany, as Heidelberg and Gottingen, was pouring forth works that were to be the basis of Oxford teaching. The clerical inhabitants of Oxford were occupied in theological controversies that produced the persecution of Dr. Hampden, Dr. Pusey, and Mr. Gorham, and had lately shown their influence in the attack on Mr. Maurice. It appeared to him that there was one great omission in the Bill—it did not provide for the admission of Dissenters to the University. But they ought to take care not to do anything that would tend to perpetuate their exclusion; they would do so if they strengthened the clerical element. In the observations he had made, he believed that he had appealed to no principles which would not be recognised by hon. Gentlemen on his side of the House; he had attempted to show that it was utterly hopeless to suppose that the colleges would strip themselves of their endowments to enrich a rival college; he had pointed out the baneful effect of retaining a heap of profane and idle oaths to insult morality and to perplex weak consciences, and, above all, he had shown the bad effect of the Bill in increasing the clerical element of the University. Of course, he did not expect Conservatives and High Churchmen to agree with him in the opinions he had expressed, nor was he much moved by the satisfaction with which the measure had been received at Oxford, but, on the contrary, he looked upon it on that account with greater suspicion. When had the University of Oxford ever before accepted a measure of the noble Lord's with satisfaction? Did he think that Oxford had really abandoned her Conservative principles? He believed that the noble Lord had not well considered the effect of all the clauses in the Bill, and he hoped he would consent to expunge some of them in Committee; for, if not, he should be compelled to admit that this measure was a departure from the wise principles which had been laid down by the Royal Commissioners, and that it was not a measure which the Liberal leader of the House of Commons ought to recommend the Liberal Members of that House to adopt.

Mr. ROBERT PHILLIMORE said, he had taken great pains to attain an accurate knowledge of the measure, for it was one in which he took a deep interest. He and those most intimately connected with him owed all the advantages of their station and position in life to the University which was the subject of this debate, and if the Bill he supported would produce the result foretold by the right hon. Baronet (Sir J. Pakington), he would be guilty of black ingratitude and the basest treachery, not only in supporting, but in not opposing it to the utmost of his power; but he did not believe that the measure was open to the grave objections so strongly though temperately urged against it by the right hon. Member for Droitwich. The Government had every reason to be satisfied with the reception it had met with in Oxford, and in the country at large. Two gentlemen had from the same premises arrived at the most opposite conclusions with respect to the measure now before the House. The right hon. Member for Droitwich charged the right hon. Gentleman the Chancellor of the Exchequer with giving up the University to the Commission, whilst the hon. Member for Newcastle-on-Tyne (Mr. Blackett) made an attack on the noble Lord (Lord John Russell) for having given up the recommendations of the Commission to the prejudices of the Chancellor of the Exchequer. The one accusation might fairly be set against the other, and the conclusion of reasonable men that the Bill was drawn in a spirit of temperate, wise, sincere, but conciliatory reform. He had heard with much satisfaction the dignified and temperate speech of the hon. Member for the University of Oxford (Sir W. Heathcote); it was worthy of the constituency he represented; and he was pleased to find that his only objections to the measure were such as might be obviated in Committee. He understood him to agree with the Government except as to the clauses relating to the schools and open fellowships. The right hon. Baronet (Sir J. Pakington) had opened a question of much difficulty, which would require much future careful discussion, as to the question of founders' wills. It was not without much consideration that he (Mr. R. Phillimore) had arrived at the conclusion that the Government were justified in introducing these clauses. But it appeared to him, after much reflection, that the right of Parliament to legislate upon this subject could not be denied upon any maintainable ground. He would ask the House to consider on what principle wills were held sacred in every country. People were accustomed to consider this as a matter of natural law, but it could not be placed on such a footing. Nothing could *à priori* be more extraordinary than that a man should be enabled to declare what should become of his property long after he had been mouldering in the dust. The truth was, that this power, however deeply rooted in the practice and habits of all nations, was a mere creation of positive law. It was limited in all countries of Europe, but in none more so than in this, where so many restrictions were imposed on the testamentary power. On what grounds, in a case of eleemosynary bequest, is the bequeather to say, "My property shall be devoted for ever to such and such purposes, and any one who alters it in any one respect will be guilty of a violation of trust?" Can any one approve of such a doctrine? The whole matter was a question more of discretion and degree than of principle and right. He would not say that they had a right to tamper with such a bequest lightly, and without cause; but the Legislature had a right to consider the circumstances under which the original bequest was made, and, placing itself in the position of the founder, try to ascertain what, if he were now alive, would be his wishes with regard to the bequest. Two things were to be looked at, which must not be confounded—the main object and the specific character of the bequest. If they found that, in any instance, a minute attention to the specific character would conflict with the paramount object of the founder, the Legislature might step in and say, "We will do what the founder would do if he were now alive." It is admitted that time and circumstances have compelled a departure in many respects from the original system, and any further change is surely, therefore, a question of degree rather than of adherence to principle. The hon. Member for the University of Oxford had said that he was perfectly satisfied with the provisions as to the founders' kin in lineal descent, but not quite with those as to collateral relations; but it can easily be shown that they are justifiable. It is urged, with very great probability, that those making these bequests had in view the provisions of the canon law, which would limit the number so entitled. In the case of one college that view was taken by the visitors, and supported by the decision of a court of law. If they considered the circumstances of the time when the bequests were made, they would give power to the colleges to make alterations, as the only means of carrying into effect the paramount intentions of the founders: the Colonies were not then in existence; Scotland was at that time a separate kingdom, and the country torn by civil war; some districts were favoured on the ground of their poverty, which no longer had that claim to preference. It was stated in a pamphlet by Mr. W. Thompson, that some of the most valuable preferments in Queen's College were given to natives of the counties of Westmoreland and Cumberland on account of the devastation of the country, and the great difficulty of finding educated men in the district. These reasons no longer existed. Surely the founder would not persist in these restrictions if he saw these counties now teeming with mineral wealth, and heard of the eminent men they had sent forth, and found that the restriction did not promote general literature, but had a contrary effect. Moreover, with respect to the illegality of altering the provisions of the founder, it must not be wholly forgotten that when those provisions were made there then existed a dispensing power in the head of the Church, which is more than once alluded to in the Statutes of the different colleges. Any person looking calmly into the case must come to the conclusion that when cause for change is shown, it was a question of degree rather than principle. They ought not to be deterred from making a beneficial change by the fact that the institution depended on the will of a person who had been dead for 500 years. Another point to which many persons entertained a great objection was the proposed endowment of professorships in the University by the suppression of fellowships in the different colleges; but he did not think that the clause justified the conclusion to which some hon. Members had come. In his opinion it did not propose to take the fellowships from the colleges to endow professorships altogether independent of them, but in certain cases and under certain restrictions gave power to the colleges to establish professorships which might be confined to their own fellows. At present a number of the most important professorships were held by canons of Christ Church. In Magdalen and Corpus Christi the founders devoted portions of the revenues to support professorships for the benefit of the University at large. It was said that the interference with local and family preferences would dry up the sources of eleemosynary bounty. To this he would answer, if the future founder was a person of judgment and good sense, he would not desire that at no time, and under no circumstances, no alteration should be made; if he were a person who wished to exercise such an unreasonable power, he must say that the University would be better without such bequests, which had heretofore exercised, in some respects, an unfavourable influence on her fortunes. He did not believe, however, that any person who meant to endow a college would be deterred by the reflection that his foundation, like every human institution, was liable to change. With respect to the clause relating to the abrogation of oaths, he held that the State was the imposer of oaths, and that if the great corporation might alter or repeal oaths, but could not empower the inferior corporation, like the college, to do so, a manifest absurdity would ensue. The hon. Member for Newcastle-on-Tyne (Mr. Blackett) complained that Government had not adopted all the recommendations of the Commissioners. Now, he had a great respect for the Commissioners—he knew several of them personally—he had a high opinion of their talents; but he could conceive no course more tyrannical than that any propositions that were made by these four or five gentlemen should be subject to no modification by Parliament, but must be accepted or rejected as a whole. Then he thought it was very strange that the right hon. Member for Droitwich (Sir J. Pakington) said he had no exception to take to the names of the Commissioners appointed by Government, but that there was no security for the character of their successors. For his part he could not see the force of this argument; or why if the right hon. Gentleman approved of the present Commissioners, he should suppose that the appointment of their successors would be made under the influence of worse motives than those which had dictated the selection of the present gentlemen. It was important to bear in mind throughout this debate the great distinction that there was between the University and the colleges—a distinction often forgotten, perhaps hardly recognised even, by many hon. Members present; and with reference to that subject the immense importance that attached to the establishment of private halls under proper academical restraints. He confessed he looked upon the establishment of these halls not with the certainty, but with the reasonable hope, that they would introduce to the University a large class of his poorer fellow-countrymen, and open to them the inestimable blessings of a University education. With regard to the question relating to the alteration in the scholarships now belonging to public schools, he agreed with the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote). He had himself been educated at the old school of Westminster, and he could not forget that Christ Church derived its studentship in the time of Queen Elizabeth through Westminster, and that but for Westminster they would not have been granted. He had listened with great pleasure to the eloquent and the just eulogium which the hon. Baronet had passed upon the school of Winchester. He thought he could furnish a list of *alumni* nearly as splendid from Westminster. He at all events counted upon having the sympathy of the noble Lord below him (Lord John Russell), for he was one of Westminster's most distinguished scholars. He counted also upon having the sympathy of the right hon. Baronet the First Lord of the Admiralty for Westminster, and also might claim him as one of her ablest sons; and if he had time to run through the list, he believed he would be able to claim various other Members of the Administration as distinguished Westminster scholars. Therefore, when this question came before the Committee, when the hon. Baronet struck in for Winchester, he would strike in for Westminster, and he would do so with the more confidence, because her scholarships at Trinity College, Cambridge, and her studentships at Christ Church, Oxford, were open to all the scholars in the school; and he must say for himself, that the examination he had undergone, in order to obtain admission to St. Peter's College, Westminster, was more severe and arduous than any that he had been subjected to since. Upon the whole matter he was very anxious not to be misunderstood. Far be it from him to say that Oxford had either betrayed her trust or forfeited her privileges. That was the language of extravagant calumny, not of sober truth. The history of the country would refute the accusation. For his own part, he could never forget the magnificent hall of Christ Church, in which it had been his good fortune to be educated. He could never forget those walls, adorned with the portraits of those students whom that great house had reared to do illustrious service to the Church and State of these realms. He remembered well the effect which was produced upon his own mind, and upon the minds of his fellow-students, when they first looked upon the portrait of Grenville, associated as it was with all that was profound in civil wisdom, all that was erudite and elegant in scholarship, all that was manly in eloquence, all that was upright in moral character. He remembered also—he felt as if he saw it now—the portrait of another student, the portrait of George Canning, beaming with all those rich and varied endowments which formed in rare combination the character of that most accomplished statesman. There, too, well fitted to excite the virtuous emulation of their successors, was a goodly array of other students, who had carried into the dust and fray of active life the inestimable advantage of the habits which they had acquired, the precious fruit of the studies which they had prosecuted within the fostering shelter of those walls.

"Quique sui memores alios fecêre merendo."

There, too, he trusted would one day be —as he was absent at this moment he might say so — the portrait of another student whom it was his high privilege to call his friend, and with whom he had been a fellow-student at the University of Oxford—he alluded to his right hon. Friend the Chancellor of the Exchequer. He was sure it would be admitted on all sides of the House—even by his political enemies, for personal foes he had none—it would, he said, be admitted by all those on both sides of the House who heard his admired and admirable speech on the Budget last year—which, with the most enlarged statesmanlike views, combined a mastery over the most minute and complicated details — how false the charge brought against the University was, that she had men of classical acquirements indeed, and of elegant minds, but that she did not equip them for the hard practical business of the life of public men. It was not only his personal friends, nor his party, but the whole House who on that occasion—

"Sensêre
Quid mens rite, quid indoles
Nutrita faustis sub penetralibus
Posset."

He must say, in conclusion, that he supported this measure because he believed that the main scope and tendency of it was to increase the efficiency, to widen and strengthen the foundations of the University, to which he was deeply attached—because in the language of the Statute of Elizabeth, which incorporated the University, "it was to increase the good and godly literature, and the virtuous education of youth;" and in the language of the greatest of that Queen's councillors—Lord Bacon—"it was for the glory of God and for the relief of man's estate."

Mr. WARNER said, he thought the noble Lord might congratulate himself and Her Majesty's Government on the fact that the House had had an opportunity of reading this Bill, for the objections against it were fewer now than had been urged on a former occasion. They had heard very little to-night on the subject of confiscation as compared with what was said when the measure was first introduced. Something had been said on the subject of the endowments of public schools. He thought the House ought to deal very gently with the scholarships attached to particular schools; but he could not at all agree with those who argued that the appropriation of University funds to college purposes was to be considered as a measure of spoliation. He thought enough had been said that evening to show the absurdity of supposing that the University either could or would reform itself. Not that he meant to attach much blame to the University, because he knew the difficulty in their way, on account of the oaths that were imposed upon the governing bodies, and, indeed, upon all the members of the University, which led to immorality and to difficulties of various kinds. It was notorious that when young men came up for matriculation oaths were put to them to observe the Statutes which it was quite impossible that any man could keep. And how did they get over this difficulty? Why the head of the college, surrounded by the tutors, called up the young men, and delivered to them an opinion, *ex cathedrâ*, that they were to observe these Statutes in a non-natural sense—that was to say, that they were to submit to the punishment provided for those Statutes which they broke. This might be said to be the first lesson they were taught, to disregard the sanctity of an oath. He thought it would be better to get rid of the whole system than to maintain a practice like that. He regretted that the Bill did not propose to remove the tests which proved only a stumbling-block to the conscience, and which excluded a large portion of the community from the benefits of the University. He hoped that this provision would yet be introduced into the Bill, for the present system was more injurious to the Universities than to those whom it excluded. Even for the purposes of the Church the tests were absurdly stringent, because, though all the students were at present members of the Church of England, yet all were not designed to be clergymen; but this system made no distinction whatever. He objected, also, to the continuance of those provisions which compelled so large a proportion of fellows to take holy orders, and enjoined compulsory residence; the last provision having this effect, that it precluded the fellows from following any other pursuit than that of theology. A great deal had been said against the professorial system provided for in the Bill, as if it militated against the system of tutors. In his mind it did no such thing. He would vote in favour of this Bill, because he thought it would tend to break up the established system in Oxford, which he was afraid had become far too antiquated for the country. But at the same time he hoped that various points would be considered in Committee, especially those which compelled all the students to subscribe to a test that was rejected by half the population of England. However that might be settled, he hoped that the Bill would be passed, and that when the Commissioners were got fairly to work, the University would be brought into a more efficient state than it had ever yet been of late years. Still he could not avoid looking forward to the possibility that the intentions of the Legislature might, after all, be defeated by the resistance of those who were opposed to all change. If so, he trusted that Parliament would, in another Session, pass a far more stringent measure. Without some such measure of extensive and compulsory reform, he feared that Oxford would never be brought to bear a comparison, as a seat of learning, with her European rivals, nor would ever again be restored to the splendour and the world-wide fame of her earlier days.

Lord ROBERT CECIL said, he rose to express the great regret with which he learned that no Member of weight in the House was prepared to divide against the Bill. The hon. Member for Newcastle-on-Tyne (Mr. Blackett) rested his main argument for the appointment of professors on the ground that it would take the education of youth out of the hands of the clergy, and that it would tend to diminish theological controversy. The hon. Member quoted his own experience, and he appealed to the experience of others, to prove that theological controversy was more bitter at Oxford than in any other part of the country. Experience could only be met by experience; and he must say, that in his experience he had found that while controversy was bitter in other parts of the country, in Oxford it was comparatively mild. The hon. Member had cited several cases of theological controversy that of late had agitated the country. But he begged to remind the House that the two last cases quoted by the hon. Member—those of Mr. Gorham and of Mr. Maurice—had no connection whatever with Oxford. He remembered in 1851, when he left Oxford, the whole country resounded with theological disputations—when every town was protesting against what was termed the Papal Aggression—and at that time he left Oxford calm, while he found London in a storm; and this not because there was any backwardness in Oxford—she had protested through her own constituted authorities—but simply because she had a larger knowledge of the subject, because the clergy were her teachers, and because the controversy having been well studied by them, they were able to take a calm view of it in all its various bearings. It was perfectly clear that the extension of the University and the institution of professors were within the power of the governing body of the University; and if it should be said that that body showed an unwillingness to act in the matter, then it might be very proper to infuse into them some fresh blood. Within the last few weeks the governing body of the University had put forth a scheme of reform, as matured and as well calculated to work efficiently, as that which had been introduced by the Government, and even if the Government had had some objections to minor points, surely a little negotiation, and a little less of a resisting spirit, might have produced some conciliatory propositions; but the Government were actuated by no such spirit, for when they sent their scheme down to Oxford, the only persons who were excluded from all knowledge of it, were those who had the government of the University. [The Chancellor of the Exchequer was understood to dissent from this statement.] He did not make that statement of his own knowledge, but he had been assured of it by competent authority. He must say it seemed to him that the institution of these professorships, the establishment of private halls, might have been effected by the governing body themselves, and without the dangerous precedent of Parliamentary authority, and a precedent, too, which was a violation of the constitution of the University. What seemed to him the main objection of the Bill was, that it swept away at one blow all the preferences which the founders of colleges had shown for the place of their birth, all the preferences for the schools with which they had been connected, all the preferences for kindred, with the exception of one, the generosity of which could not fail to be appreciated—it proposed to admit the lineal descendants of the founders. This exception was little better than an insult, for, with two exceptions, he believed not one of the founders had left lineal descendants at all. One hon. Gentleman who supported the confiscation of fellows argued that the founders had no right to tie up this property for generations and for centuries. But then, if that were so, the analogy of private estates ought to be followed, and if the will of the founders was to be overturned, let the property return to the heir, in the natural course of law. It was a vulgar popular error to talk of these foundations as having existed for many centuries. It was true that some of them did, but it must be remembered that fellowships and scholarships without number had been established within the last 300 years. The hon. and learned Member for Tavistock (Mr. R. Phillimore) said it was a mockery to talk of the colleges as keeping their Statutes. Now, it might be true that some colleges might have broken their Statutes, but that was by no means the case with all. Magdalen and Corpus might have violated their Statutes, but was that a reason for punishing Worcester and All Souls, that had not? They might as well disfranchise Liverpool, because Hull was corrupt. Then it was said by the hon. and learned Member, that the altered state of the country would induce the founders, if they lived now, to alter their bequests. But it curiously enough happened, that within the last ten years a man had founded a number of fellowships upon precisely the same antiquated restrictions which generally prevailed. The hon. and learned Gentleman also argued that the founders contemplated an alteration in their Statutes, because there was a constant reference in their Statutes to the dispensing power, which was then admitted to reside in the Pope. It was very true that there was that constant reference to the dispensing power, but what was the nature of the reference? Why, the fellows of the different colleges were then bound by the most solemn oaths that they would never, under any circumstances, have recourse to the dispensing power. The right hon. Member for Droitwich (Sir J. Pakington) had very ably argued the constitutional grounds on which this Bill ought to be rejected. He (Lord R. Cecil) would rather rely upon the narrower and more commercial ground, but which he thought would appeal more closely to popular sympathies; namely, that if they squandered in this manner the endowments of the various founders, they would have no more endowments to deal with again. What confidence could there be that some future Ministry, with the word Conservative on its lips, but destruction in its hand, would not drive home the wedge now introduced, and altogether destroy these endowments? The supporters of the measure might be prepared to state that they considered it a final one, but Parliament and the country must be aware by this time of the value to be attached to any such statement. In the year 1842, Sir Robert Peel had asked his Protectionist supporters to sacrifice a portion of their privileges for the sake of obtaining a final adjustment of the question then in dispute, but they all knew how long that adjustment had lasted. Then, again, they were at present asked to reform the final Reform Bill of 1832; and it further appeared, that although the main argument adduced in favour of Roman Catholic emancipation in 1829 had been, that it would set the Roman Catholic question at rest for ever, they were in this very Session called upon to pull down the last bulwark left by that measure against the attacks of the most relentless foes of the Established Church. He could not believe that the Bill then under the consideration of the House would satisfy those who wished to convert the Universities into pensioners of the State, and he feared that if it were to pass into law it would ultimately lead to the accomplishment of the views of those who were anxious to separate the Universities from tho Church.

Mr. G. E. H. VERNON complimented the noble Lord (Lord R. Cecil) who had just sat down on the ability and argumentative nature of his first speech in that House. He differed from the noble Lord, however, in one material point. It was because he thought that this measure had been brought forward not in any hostile spirit to the University, but, on the contrary, in a just, generous, and conciliatory spirit, that he (Mr. Vernon) should support the second reading of the Bill, however much he might object to some of its provisions in detail. He rejoiced to find that there was a considerable difference between this measure and the Report of Her Majesty's Commissioners, on which it had mainly been founded. There were differences, not merely of detail, but also of principle. He was ready and glad to offer his tribute of acknowledgment to the labours of the Commissioners, and to the ability with which their Report had been drawn; and, if he did not entirely agree with all their views, he gave them full credit for conscientious earnestness of purpose. Their Report had created much, and not unnatural alarm in Oxford. It had been at once assumed that the measure of the Government must necessarily embody all the suggestions of the Report, and some prejudice had been excited against it in consequence. Could any one wonder that some anxiety was entertained? Could any one who looked back to a place, which, despite of regrets for time mis-spent, and opportunities wasted, was endeared to him by a thousand recollections,—could any one who had formerly paced the High Street and the Long Walk, who carried with him the memory of his first responsibilities in life, of his early struggles, perhaps of his early successes,—could any one who still cherished, as one of his greatest privileges, the friendships first formed and cemented within some college quadrangle,—could any one influenced by these feelings and these recollections fail to have taken a deep interest in a measure vitally affecting that great institution? But there were men who for years had lived in the exercise of powers and in submission to restraints which the University imposed—men who looked up to her with a fond reverence which nothing less ancient, nothing less venerable could have inspired; and was it strange if they should be unable to contemplate propositions of great change without alarm? was it strange that they should be loath to see an institution which they so reverenced tampered with, and, as they believed, placed in danger? Those who supposed that the able and learned men who were concerned in the conduct of the University wished to hide her defects from the public eye, or to cloak over her sins of omission and commission, did the great majority of them an injustice, and he believed that this opinion could only be held by narrow-minded and illiberal men. He regretted, indeed, that the authorities of the University had not thought it consistent with their duty—he would not say with their interests—to have afforded more general, full, and complete information to the Commissioners. Whatever doubts there might have been—and grave doubts had existed as to the legality of the Commission—however difficult might have been the position of the heads of houses, hampered and restricted as they were by old statutes, and by oaths involving "Anathema," "the wrath of God," and other dreadful penalties—however much crippled they might feel—still, he thought they would have taken a fairer and a more prudent course if they had contented themselves with a formal protest against the Commission, and if they had then given full information to the Commissioners as to every particular which they wished to ascertain. Such had not been the case, and he regretted it, since thereby the difficulties of the Commissioners were much increased. He must say that all who had the interests of the University at heart, must, under the circumstances, feel greatly indebted to the Commissioners for the Report which had been presented to Parliament. It would be a mistake, he should observe, to suppose that the University had been wholly inactive in the cause of improvement. Something had been done in this respect. Even since he had left the University, many restrictions had been withdrawn from colleges, and certainly the Examination statute which had been passed was a very decided improvement. The most remarkable sign, perhaps, of the reforming spirit of the University, was the association of a number of gentlemen who were tutors of colleges, and it was only necessary to refer to the able Reports which they had issued, to bear out his assertion. Still, though something had been done, and was being done, much more was wanted to bring the University to a level with the requirements of the time. The Government had judiciously profited by the opinions and information which they had received from various sources. Without entering into discussion of the details of the Bill in this stage of its progress, he would proceed shortly to notice a few of its leading principles. The first point to which he would advert, as a matter of principle, was the question of legislative freedom for the University. It was impossible for the University to move unless she were freed from the harassing restrictions which were imposed upon her and the colleges. The next point to which he wished to call the attention of the House was the formation of the Initiative Board, from which all questions of internal reform in the University must proceed, and upon which, in fact, would depend the management of the studies in the University. Upon it hinged the whole question, not only of the details of the studies and examinations in the colleges and University, but of the manner in which those studies and examinations should be conducted. It involved the vexed question of the professorial and tutorial systems. In this respect he felt especially grateful to the Government for not having bound themselves hand and foot to the Report of the Commissioners. He was not prepared so to alter the direction of the studies, however much he might desire to see those studies extended, as to throw them entirely under the governance of men who, however able and respectable they might be, would have few objects really in common, and would not, he believed, constitute a body the most likely to give the safest direction to the studies of the University. For the best vindication of the two systems he would refer, on the one hand, to the able and striking evidence given by Professor Pusey to the Hebdomadal Council; and, on the other, to the evidence, and recently published pamphlet, almost unequalled perhaps in beauty of language and logical power of argument, of Professor Vaughan. He did not propose to engage in this controversy now; he would confine himself to one remark. Professor Vaughan said that "a professor is the science or subject vitalised and humanised in the student's presence," and that "the type is a poor substitute for the human voice—it has no means of arousing, moderating, or adjusting the attention." He (Mr. Vernon) could, however, conceive the case of a professor, a man selected for his great learning and attainments, but yet who did not possess the charm of voice or of manner which are necessary to arouse and arrest the attention; whose lectures (to use the words of a great poet)—

> " —— neither ebb nor flow,
> Correctly cold, and regularly low;
> That, shunning faults, one quiet tenor keep:
> We cannot blame indeed, but we can sleep."

His hon. Friend the Member for Kidderminster (Mr. Lowe), who had been a great intellectual ornament to the University, and one of the mainstays of a system of private tuition which had prevailed for many years, had given some evidence to the Commissioners. His hon. Friend complained of the college tutorial system very much, but, he said, he had no great hopes of much being done by a professorial system. He evidently had a strong partiality for the system of private tuition, though, he admitted, there was an obvious objection to it on the score of expense. His hon. Friend seemed, however, chiefly to object to it because it had occupied him for some time at the rate of ten hours a day. He (Mr. Vernon) could speak from experience to this being the fact, for, when at the University and reading for honours, he had been desirous of securing the valuable assistance of his hon. Friend as a private tutor. He was informed, however, that Mr. Lowe was then already engaged with eight or nine pupils, and great as was his respect for the abilities of his hon. Friend, he had thought it better to secure a third or half of the time and attention of some one else, rather than be content with one-tenth of the attention of his hon. and learned Friend. He was most anxious that professors, as such, should have a proper status in the University, and that their teaching should enter into the regular course of University education; but he believed that, on the whole, an improved tutorial system in colleges ought to be maintained as of paramount importance; for each student required more or less individual assistance and explanation for his own particular difficulties. He (Mr. Vernon) thought that the Government had taken a just and temperate view of this question. With regard to close fellowships and scholarships, and the distinctions between local and school preferences, the time would come hereafter when they must enter minutely into this subject, and he, therefore, would, for the present, only say that, having been a student at Christ Church, and having belonged to Westminster School, he should be the last to consent to see that school deprived of what he believed to be its just rights. As to University extension, he could not say that he thought much would be done by the mere provisions of this Bill to effect that object, and he looked more to the general moral tone of the University to do this. Perhaps this was a fitting time for the expression of his opinion that he was unable to see why religious tests should continue to be required upon admission into the University. He had thought over this question with great anxiety, and he had come to the conscientious conclusion, that there was no real reason why they should not put Oxford on the same footing with Cambridge on this point. He could not consent to give up the endowments of colleges to members of sects dissenting from the Church of England, but, friendly as he was, warmly attached as he was to the Church to which he belonged, he could not see that she would receive any injury by the admission of those who dissented from her to the general benefits of the University. In conclusion, he would say that he had no desire that the University should be a mere literary forcing bed, but he would excite her members to freer exertion in a more extensive range of science and letters. He wished that she might enlarge her sphere of usefulness without losing anything of her character as a place for training the youth of England in liberal studies—for the engendering of liberal and generous sentiments, for developing sound judgment, and for the encouragement of manly competition. He wished that high and lowly born might, even more widely than now, be there taught to be gentlemen in the highest sense of the word—to be men of gentle manners and gentle minds. He wished to see restrictions on the power of improvement removed—to see the University and colleges in the enjoyment of legislative freedom. He wished that new avenues should be opened for academical honours in many new branches of knowledge for which the special habits and tastes of studies might fit them. He wished that endowments should be rendered available for the assistance of poor and meritorious persons, for their encouragement in the prosecution of study, and their future advancement in life; and he wished to see the greatest number possible attracted to the teaching of the University. Much might be done, and much, he believed, would be done, through the instrumentality of this measure, without in any way hindering a main purpose of that noble institution—the education for the ministry of our national Church of a learned and pious clergy.

Mr. WIGRAM said, the Bill consisted of two parts, one of which related to the University, and the other to the colleges. Seeing that both the Members for the University of Oxford concurred in that portion of the Bill which related to the government of the University, it might seem presumptuous to make suggestions; but he could not help calling attention to that provision which gave the right to Congregation of assembling and speaking in the English language, and debating the Statutes. Bacon, in his Essay on the Advancement of Learning, pointed out the requisites for the constitution of a University, and, particularly mentioning the importance of perfect tranquillity, compares the condition which should be sought to that of bees—

> "Principio sedes apibus statioque petenda
> Quo neque sit ventis aditus."

Now, what would be the result with respect to the constitution now proposed? The Congregation before whom the Statutes would be brought for debate would consist of about 250 members; and, considering the probability of such a body being split into sections and parties, he would leave the House to judge how far the scheme would be likely to check those tempests which Bacon deprecated as so injurious to learning. That was a point of the utmost importance, and one which particularly deserved the attention of those members of the University of Oxford who took an interest in its well-being. The second portion of the Bill related to the colleges. In that respect the measure was, in his opinion, open to the objection, that it would impair that collegiate system which had hitherto been the distinguishing characteristic of the English Universities as contrasted with the Universities of other countries. It was proposed, in the first place, that the teachers who were to be a part of the governing body should consist of the professors only, and not include tutors of colleges. He could not see why it was not left to the electors to select either tutors or professors, and he thought the effect of that provision would be to throw undue power into the hands of the professors as contrasted with the college tutors. Then with respect to private halls, they might or might not be good things, but private halls, connected with the old system of the University, would have answered the purpose, and have maintained the English system—a system which had conferred great advantage, and against which he had heard no charge. The 28th clause of the Bill prohibited preference by reason of any membership of any college. He was astonished at such a prohibition. He considered it most objectionable. He was surprised, because the college of Trinity, to which he belonged, had become distinguished by this very system, and there the scholars were selected entirely from the members of colleges, and the fellows from scholars. Under the collegiate system you had the advantages of competition between different colleges, and under the new system, these advantages would be lost. With regard to the proposed general abolition of preferences, he could not agree with the ingenious arguments of the Member for Tavistock (Mr. R. Phillimore), who said that the protection conceded to these preferences was of an artificial kind. He must deny that assertion. It was a protection founded upon principles of justice, which were patent and plain, and which nothing could justify the violation of. The founder or donor gave property, annexing a condition to the gift, and you had no right to retain the property, and to reject the appropriation which he had made the condition of the gift. It was urged that in some of these cases the alteration of circumstances was such that there could be no doubt that in the proposed alteration you were doing right. Now the question was not whether circumstances might exist in a particular case which would justify you in making a change, but whether you were justified in passing such a law as this, and saying, without distinction or discrimination, that in all cases of this kind no preference should be allowed, except in cases of a very limited kind, to be approved of by the Commissioners at their sole will and discretion. It might be said that in some instances the condition was arbitrary, but this was no answer. The condition was the motive of the bequest, and but for it you would have never got the property. Nor was it as if these preferences necessarily were pernicious and introduced into the college a set of drones and idlers. Such was not the case. It had been judicially decided long since that the rule with regard to a right of preference was, *detur, sed detur digno*, and candidates might be and had been refused who had not sufficient attainments to fill the place with credit to themselves and to the college. There were several other clauses which were open to the like objection, especially the 34th, which provided that in a college in which three-fourths of the fellows were in holy orders, the remaining fourth need not be so. The effect of this would be to allow one-fourth of the fellows to violate the Statutes on condition that three-fourths should observe them. If the original terms of the foundation of a college required that all the fellows should be in holy orders, nothing could justify your departing from that rule. He agreed with Sir John Patteson in the opinion he had expressed before the Commission, that where alterations in the circumstances rendered changes necessary, there they were fully justified in making them; but that they were bound to have regard to the intentions of the founders as far as it was possible to do so. He would not trouble the House by going through all the clauses that were open to the same objection. The parts of the Bill to which he had referred were so extremely objectionable, that nothing would induce him to give his acquiescence to them; and he hoped when they got into Committee these parts would be modified altogether. Another portion of the Bill which he thought to be very ill-advised consisted of the clauses which proposed to limit the tenure of fellowships. This subject was carefully investigated by both the University Commissions; and in the Report of the Oxford Commission there was a very able communication from Archbishop Whately, in which he pointed out clearly the manner in which, by such a course, you would destroy the real value of the fellowship, and the independence which it gave to a man while seeking a position in life. If they did this, they would destroy the value of the prize, and check competition for it amongst the class of scholars who now devoted their time to attain it. The Bill also attempted to insist on as many of the fellows as possible residing in the University. Of this he entirely disapproved. If persons had the taste and inclination for the pursuits and duties of office in the University, doubtless they would nowhere be so usefully employed as within its walls. But if they had no love for those pursuits, no greater mischief could be inflicted upon the University than to insist upon their residence there. Unless a man was actively employed in the duties of the place, he (Mr. Wigram) would prefer his being anywhere rather than idling in the University. He was sure he could do no good, but he might do a great deal of harm. And to that part of the scheme he should also object. He could not help thinking, in general, that the Bill attempted to go a great deal further into details than was advisable. It consisted of a mass of details—many of which were of so complicated a character, and the exact consequences of which it would be so difficult to foresee, that he was persuaded, if passed, the measure would require repeated amendments, and the necessity of frequent recourse to Parliament for that purpose. All that the framers had in view might, in his opinion, have been much better accomplished—and it would have been a safer course to pursue—if they had adopted even a more sweeping course, and given even larger powers to the colleges, to be exercised with the approval of the Commissioners, under proper restrictions to be specified in the Bill, and then left those powers to be worked out by the colleges themselves.

Mr. ROUNDELL PALMER: It is impossible for me not to remember the feelings with which I first heard the announcement from the noble Lord the Member for the City of London (Lord John Russell) of his intention to comply with the Motion of the hon. Member for North Lancashire (Mr. Heywood), when he moved in this House, three or four years ago, for the appointment of a Royal Commission upon this subject. I believe, Sir, there is no feeling more powerful in the mind of an English gentleman than the attachment which he feels to the place of his education. Certainly, no man who has had the benefit of that education which, whatever may be its shortcomings, those who have been raised by it to the position they have occupied in after life, have no right to pronounce other than excellent and most liberal—no man who has had the benefit of that education in such a place as Oxford—a place surrounded by time-hallowed associations, where all the beauty of antiquity is combined with all the refinement and enjoyment of modern life—no one who has himself eaten the bread provided by the noble and munificent founders in the palaces of that city, could hear any announcement which by any possibility might tend to shake the stability of those foundations, or to interfere with their performance of the excellent work which, after all, they were nobly discharging, without sentiments of alarm and most serious apprehension; and I am not ashamed to record the feeling with which I personally heard from the noble Lord the announcement which he made unexpectedly on that occasion of his intention to comply with the Motion of the hon. Member. I certainly heard it with a feeling of great opposition and dissatisfaction. That feeling was undoubtedly in some degree mitigated when, upon a subsequent occasion, the noble Lord stated, with dignity and with temperance, that it was his intention to issue that Commission in a friendly spirit towards the University; and when he proceeded to develope the views—with a great part of which, indeed, I did not agree—but still views which actuated him in thinking that Commission necessary, I could not but recognise, in the speech then made, a spirit which aimed at nothing but the objects which all lovers of the University must themselves desire; and though not at that time feeling political confidence in the noble Lord, and although certainly believing that some of his views were actuated by a partial, and only a partial, acquaintance with the subject of which he spoke, yet I felt less disposed than before to apprehend unmixed evil from the issuing of that Commission. Sir, the Commission was issued, and the Commissioners were men too much, as I thought then, and still think, committed by their known opinions to a certain view of the question; but still men possessing every qualification, in point of intellect, learning, character, and love for the University, which could be requisite to ensure both the efficiency and the honourable and creditable discharge, according to their own views, of the duties committed to them. And accordingly, when their Report came out, it was impossible, even for those who might widely dissent from many of the recommendations contained in that Report, not to feel that a valuable mass of materials had been brought together with almost unparalleled labour as well as ability, and that a great and useful work had been done in collecting and concentrating both facts and opinions, so as to enable public opinion to be brought to bear upon those points in respect of which, if at all, legislation and change might usefully be adopted. The effect of that Report was very marked. As soon as it was issued it immediately caused all those within the University upon whom devolved the duty of considering the subject—the noble Member for the City of London, and the noble Lord who was subsequently at the head of the late Government, suggested that which would have been done without the suggestion—but still it caused them immediately to entertain the subject in the same spirit and with the same independence of mind with which the Commissioners had themselves discharged their duties. The heads of houses, the Hebdomadal Board, appointed their own Committee; the tutors of the University formed themselves into an association, and they with great diligence, industry, and ability, also investigated the subject; and the result was this—both these bodies came unanimously to the conclusion that extensive and important alterations must necessarily be made. Here, then, was a definite and tangible result, from which escape became impossible. Some change, and that an important and extensive change, was agreed by the University—

was agreed by both the Hebdomadal Board and the tutors of the University—to be indispensably necessary. But it did not stop there. They were agreed also as to the principles of that change; not as to the process and methods, but as to the principles. For, let it be observed, it was first of all agreed, both by the Commission, the Hebdomadal Board, and the Association of Tutors, that the University government must be reconstituted, and that with a view to dissolve the exclusive collegiate system, and the exclusive power of the governors of colleges, and to admit professors to some larger share of power; and at the same time to preserve the principles of freedom and independence in the government of the University. They proposed different means of accomplishing that object; but in the object, in principle, they were agreed. And, therefore, one point was ascertained by the independent action of the University—concurring so far with the Commissioners; that it was necessary to reconstitute the government of the University, and to reconstitute it on these principles. The observation made by my hon. and learned Friend who has just sat down, the Member for the University of Cambridge, is therefore answered by the resolutions both of the Committee of the Hebdomadal Board and of the Tutors' Association, not less than by the Report of the Commissioners, when he objected to any encroachment upon the exclusively collegiate system which has hitherto prevailed within the University. Then came that other and much larger object, in which I venture to say the people of this country take more interest than in any other branch of this question—the subject of University extension. The people of this country have a right to say that a great institution like Oxford, with such magnificent resources, ought to be capable of answering any extending demand which the wants of the country may make upon it. Under the exclusive collegiate system as now administered, with all the virtues and merits of that system, it was not, and is not, capable of doing so; and that I have always thought the main point of the whole question. The country also thought, in connection with that, and most justly thought, that the system of expenses, the system of imperfect discipline which prevailed in the University, the excess of aristocratic habits, was also an impediment to its just and proper extension which it was imperatively necessary to remove. On that subject also, the result of independent thought and inquiry in the University itself was the same as was that of the Commissioners' looking into the subject, for the Tutors' Association distinctly adopted the principle of extension by the admission of non-collegiate students, although they, I think most wisely and justly, recommended that that extension should be accomplished under the safeguards of private halls governed by masters of arts, responsible for their discipline, and for their moral and religious government. That, I think, was a very great improvement, which has been adopted into this Bill upon the suggestion of the tutors; but it was distinctly a conclusion in favour of a system enabling the University to be as largely as possible extended by the admission of students unconnected with colleges. Did the Hebdomadal Board come to a different conclusion? In the first instance it seemed they did; but the right hon. Baronet the Member for Droitwich (Sir John Pakington) has referred us to-night to a notice which they have given of a Motion to be made in Convocation in the present month, or in the month of May, for the extension of the University to non-collegiate students upon principles not materially distinguishable from the principle of this Bill. I give great credit and honour to the Hebdomadal Board for making that proposal, although I must say that such proposal having been previously made by the Tutors' Association, and having in the first instance been adopted by them, and since made in the present Bill, it is too late to say that the action of the Legislature and the Government upon that subject should be suspended, because the Hebdomadal Board has been in the latest stage of the question converted to that view of the subject. Therefore, we have this point also ascertained, that there is to be a large extension of the University to non-collegiate students, and, in the opinion of the tutors, by means of private halls. Then, with respect to the only other branch of the subject touching the University—that is, the arrangement of the studies, that is very properly omitted from the present Bill, because it is not a proper subject for legislation; but the University and the colleges have not been inactive upon that subject. We know that Statutes have been passed recently of the greatest importance, which the University are now engaged in acting upon and developing to the best of their power; but I venture confidently to say, that that extension of the studies of the University will be altogether nugatory and fruitless, with reference, at least, to its larger and more important results, unless you can have such an extension of the University to a greater number of non-collegiate students as, according to the principle now established, is admitted by almost all, and is contemplated by this Bill. Now we have come to this point—that upon the important subject of University reform there is agreement by the Hebdomadal Board, the tutors of Oxford, and the Commissioners as to the necessity of doing something; and the Convocation of Oxford is almost equally divided. When you come to that, remembering that the University of Oxford is conservative—I use the word with satisfaction, because I sympathise with its conservative character—almost beyond any other corporation in the kingdom, remembering that it is a fault which attaches to conservatism of every kind that it is over-cautious and over-apprehensive as to the result of changes, I think the circumstance that, in a Convocation summoned for the purpose of considering a petition proposed to be presented against this measure, the petition should have been carried by a majority of only two, is equivalent in real truth to a very strong declaration by the University in favour of the general principle of the Bill. I have so far dealt with the question of the University—I mean as to the necessity of doing something of this kind. Then we come to the colleges. Now here I am on delicate ground, because I am one of those who have taken—and mean both here and everywhere else most strictly to observe—an oath to obey to the utmost of my power and support the intentions and the institutions of the founders. But with respect to the colleges, I have observed by the papers laid before Parliament that a very large number of colleges, and very important colleges, have expressed their anxious desire to have larger powers, and to some extent alterations not made by themselves, introduced by authority of Parliament. I find such desires expressed by Brasenose College, by Merton College, by Exeter, by Corpus, by Jesus, and by several others. In that state of things, how can any one say that we must not entertain the question whether we shall legislate concerning colleges? In truth, there are several points which make such legislation, if not necessary, yet of grave importance, which are independent of the Statutes of founders. One thing is, the difficulty, acknowledged by all, which arises from the mixture of obsolete enactments with those which are living and in force. The reasons of the one are often so inextricably intertwined with the reasons of the other, and the influence of the one upon the other was originally so great, that sometimes you have persons whose consciences are perplexed as to whether it might not be their duty to endeavour to maintain parts of institutions and ordinances which are really dead, and which have become practical anachronisms. In other cases you have the *caput mortuum* remaining, and maintained as if it were that which the founder intended, when it has lost all its vitality, and when in every point of view it has ceased to accomplish any one of the objects which the founder intended. Now I will illustrate that by a particular example. I will take it from the college for which I have a peculiar attachment, which I hope to evince before I sit down—I mean Winchester College, which, although not included in this measure, is really part of that academical system with which this measure deals. At Winchester the college consists of a warden, ten fellows, and seventy scholars, who are boys receiving education. The ten fellows were originally meant to perform divine offices in the chapel, with the solemnities which existed at the time of the foundation, and, at the same time, I believe, it was in part thought necessary to have them for the management of the college estates, which in the then circumstances of the country were difficult to manage, except under the personal superintendence of the heads of the society. In the lapse and change of time the chapel service no longer requires the attendance of these fellows, and the college estates are better managed without them. They no longer live under monastic rule, but they are married gentlemen, and do not live at Winchester. In point of fact, these fellowships have lapsed into absolute sinecure institutions, through no fault of the gentlemen who have held them; and they are mere prizes for the members of New College. But what man, dealing candidly and reasonably with the subject, can say that that is anything but the shell and outward crust of the institution of William of Wykeham? Is it not obvious, must it not be obvious to every man, that if you consolidate some of those fellowships with the masterships, or found additional masterships for the school by means of them, or if you take part of the revenues which now go to these fellows and extend the school to a greater number of scholars, you will be *succurrens fundatori*—you will be not merely upon conjecture doing what William of Wykeham might have done if living, but manifestly making the endowment which he left subservient to his own purposes? That is one illustration of that class of cases. Then you come to the next class, in which the obstructiveness of legal interpretation has taken place, and really chokes up a great portion of the good which a college might do. The founder never thought of such things; but he has constituted the visitors his judges, and before them, or in the courts of law, some quibble or other has prevailed, and the consequence is that irrational laws have been engrafted upon the laws of the founder, which prevent his institution from being so extensively beneficial as it might be. I speak now of what is the subject of a special clause in this Bill—Clause 29—which gives a preference to lineal descendants of the founder for ever, but limits the right of preference of collateral kindred to the period of a hundred years. It might strike some Gentlemen, who take an excessively conservative view of this question, that that is an interference with the founder's intentions. Sir, it is practically a restoration, for it puts an end to a gross and preposterous abuse, which, through a perverse legal interpretation, has been enforced in some of the most important colleges of the kingdom for a long time. The whole system of founders' kin, as at present administered, is as flagrant an absurdity and abuse as it is possible to imagine. Sir William Blackstone, the great author of the *Commentaries*, did his best, when a young man—I wish he had done it when he had attained his subsequent reputation, for then it would have been successful—to put an end to that abuse, by a most unanswerable treatise, in which he demonstrated its absurdity. In that treatise, Sir William Blackstone, dealing with the case of All Souls, showed the ridiculous consequences of the system of collateral consanguinity, as recognised under the Statutes by the visitors of that college. In the first place, he showed that the founder spoke in his Statutes the language of his time and of the Church of which he was an Archbishop; that in the language of the law of the Church, collateral kindred ceased at the seventh degree; that in the language of the civil law, from which the canon law was derived, it had also been held to cease at the tenth degree; and he showed that Lynwood, the great civilian, and the reputed author of the Statutes of All Souls, had laid down that doctrine in terms in his book on the ecclesiastical law of England. He also showed that the consequence of holding the infinite extension of collateral consanguinity necessarily was to prove that everybody was everybody else's kinsman, because we are all, of course, Christians, and believe in the Bible, which tells us that all mankind come from one ancestor—originally from Adam, and since from Noah. It is perfectly clear that all men must be kindred one to another, unless you adopt some limited sense of the word "kindred," because all are descended from one ancestor. As he says, "What is the use of telling men to make out their pedigree, when you already know for certain that they are related? In such a case, one text of Scripture is of more avail than thousands of heralds' visitations." Who can deny that? Then he goes on to examine the practical application of the doctrine. When he wrote this book, a descendant in the fifteenth degree from Archbishop Chichely, was claiming a preference as founder's kin, and he shows, by an arithmetical calculation with which no human being can find fault, that a person one of whose ancestors in the fifteenth degree is the founder's father, has 32,767 other ancestors in the same degree, and he proves that when you get to the twentieth he has 1,048,576 ancestors. Then he goes on to multiply the probable number of collateral kindred, and but for the happy accident of some relatives in this small world of ours intermarrying with each other, there would be a number to which I am not arithmetician enough to give a name. In that state of things, who can doubt that he had demonstrated his case? The argument was unanswerable; but, nevertheless, a perverse interpretation has said that to the end of the world, subject to the burthen of proving your pedigree, without any preference of nearer relations over more remote, the kindred shall have the preference. What is the practical result? Take New College. The same principle is admitted there; but to escape from its consequences a compromise is made, and although the founder has given his kinsmen a right to all the fellowships if they have a right to any, yet the visitors have said, "You shall only put in two founder's kin each year into Winchester and two into New College." Is it not manifest that the whole principle is given up by such a compromise, if there was a principle? But, in truth, the principle is the other way, and the violence done to the founder's intention is by the custom which you now propose to abolish. Then I come to the third class of cases, in which there have grown up in colleges customs independent of legal interpretation, but which have become inveterate, which the founder never created, and which he would, I am sure, have rejected with indignation in some cases could he have foreseen them, but which the visitors have felt themselves unable to disturb, and which the colleges cannot, or will not, disturb without the order of the visitors. I will mention two cases of that sort; one in my own college of Magdalen. The founder of Magdalen has divided his foundation into fellows and demies, but has nowhere said that a demy should have the least preference in the world in any election to a fellowship, but almost from the time of the foundation it has been the custom of the college to give the demies the preference. The consequence is, that is adopted as law, but it is not the law of the founder. They cannot, however, be expected very easily to get rid of it unless they have some assistance to release them from it. Then I take the case of Brasenose, which is, I think, the strongest case of this kind that could be mentioned. At Brasenose, the founder has given the power of governing the college to the principal and six senior fellows, the whole number of fellows being twenty or thirty. He has given them the sole power of granting leases, and a custom has, I regret to say, sprung up and existed in the college so anciently that only a very few years ago that good man, the late Bishop of Lincoln, with the assistance of legal advice, no less than that of my hon. and learned Friend the Solicitor General, felt himself unable to alter it upon the appeal of the junior fellows. I will tell the House what that custom is, and I do not reflect upon the present or any recent generation of fellows, because, if the visitor could not alter it, I suppose they could not, and they are not to be blamed for taking the benefit of it. The custom is nothing short of this—that they actually receive all fines upon the granting of leases, and divide them amongst themselves as the governing fellows, without admitting the junior fellows to any share of these fines. The result is an enormous disproportion between the incomes of the fellows—that while the senior fellows receive, I believe, as much as 400*l.* or 500*l.* a year, the junior fellows have only 70*l.* or 80*l.* a year. The founder, in this case, is totally innocent; he intended nothing of the kind; and I put it to the House whether this is a state of things which ought to endure. I now proceed to consider the question whether you can deal with this subject by way of enabling powers. Now, I say it is impossible you can adequately deal with it in the way of enabling powers in the case of colleges, the members of which have rules imposed upon them binding them from using such powers if you grant them. Several of them are so strictly bound by oath against change that they cannot use any enabling power whatever. If, therefore, those things are to be done, which, by scrupulous men, may be supposed to involve a change in the existing Statutes, which they have sworn to observe, they must be done by the Legislature, and not by themselves. I must also say, it is manifest to my mind that when the Legislature is once called upon, it is impossible for it to decline the duty of looking at the subject in a large way. The Legislature must see what are the public objects which it is desirable to accomplish; it must not only see that these very bodies may, if they please, accomplish them; but, as to principles at least, it must take precautions to secure that they shall be accomplished. Even those who, like myself, feel most strictly bound by founders' intentions, cannot possibly, standing in this place, deny that when a question of this sort comes before the Legislature, it is entitled to look at it upon large and public principles; that it cannot confine its view to any of those more narrow considerations which must necessarily limit the views of the members of particular societies. Besides that, it would be manifestly unsafe to extend enabling powers without control. Nothing could be more against the spirit of the founders, or more contrary to the policy of the law, than to give to any college in Oxford, even if it desired it, the power to suppress fellowships, to increase emoluments, or to alter the terms of the constitution of old foundations without any supervision. Enabling powers alone, therefore, at once go too far, and do not go far enough; consequently, if you deal with the subject at all by legislation, you must have some power which can control the local authorities. Having proved, then, that it is impossible to avoid doing something, I now proceed to inquire what are principles upon which a conservative reform should be based. I think it must provide a machinery which shall be enabled, by extraordinary compulsory powers, under limitations for a definite and limited time, to introduce, once for all, such changes as are really required; and not any further or otherwise to interfere with the independence of academical self-government. The object and the principle of this Bill is to place things in a situation in which they cannot be placed without the immediate intervention of foreign authority; but having placed them in that situation, as soon as possible to resign to the University and the colleges perfect independence and freedom of action in self-government. This is a sound principle, and, so far, I give my approval and sanction to the Bill. Then I think, also, it would undoubtedly be necessary, for a conservative measure of reform, to proceed upon the ground of respecting the founders' intentions; and the preamble of this Bill professes to go upon that ground; and I am bound to say I believe its provisions to be framed with the utmost sincerity, for the purpose of carrying into effect the objects declared in the preamble. The judgments of men must necessarily differ as to the manner in which the principle is carried into effect in its details, and as to the changes which may advance or retard the fulfilment of the main objects of the founders, by retaining or interfering with particular subordinate provisions of the Statutes. I, therefore, although by no means agreeing with the mode in which that is proposed to be done in all parts of the Bill, am bound to say I recognise in it a sincere, cordial, and conservative spirit, a spirit manifesting true attachment to principles and foundations, and intending to proceed upon grounds consistent with the fulfilment of the main intentions of the founders. And in those very carefully-detailed provisions to which my hon. and learned Friend opposite (Mr. Wigram) has referred, in some respects with apparent justice, I see in them great evidence of the desire of the Government to be as just, as temperate, as cautious, and as conservative as possible—not to give too large or unlimited power to the Commissioners, not to allow the Commissioners to do everything without the assent of the colleges which they might do with such assent. In all these points—whether they are right or not, whether they go too far or not, I do not now say—I see strong evidence of a *bonâ fide* desire on the part of the Government to carry into effect the principles stated in the preamble, which are

> "For promoting the main designs of the founders, both as respects the appointment to the endowments and the continued tenure thereof, and otherwise for maintaining and improving the discipline and studies, and the good government of the University of Oxford and the colleges thereof."

I, therefore, have no difficulty in saying that it seems to me this Bill is in its principle worthy of support. I do not intend to detain the House by any lengthened comments upon all the matters of detail in the Bill, though upon one or two points I shall have some argument to offer. But, passing lightly over the part which relates to the University, I have already disposed of so much of the objection of my hon. and learned Friend the Member for the University of Cambridge as is founded upon the idea that the Bill interferes with the integrity of the collegiate system. It is quite clear, from the unanimous voice of the University, that it does not concur with his principle in that respect. I am convinced that, if the private halls are established in the manner proposed, they will be likely to afford at least as good a guarantee for proper discipline and good management as the collegiate system does at this moment; and, if you attempt to extend, by affiliation or otherwise, the collegiate discipline over a larger surface of the University, the connection with the colleges will be more nominal than real; and even if it be real, those habits which by lapse of time have tended to great expense and to a too aristocratic tone of mind, will extend to the students in lodgings or in the affiliated halls, and prevent the resort to the University of those classes of persons who are not quite so high in the scale of society as those that at present matriculate at the colleges. On this point, therefore, I have no doubt the principle of the Bill is right. With regard to the institution of Congregation, I feel the force of the observations of my hon. and learned Friend, that it might be too much like this House. I do not pledge myself to it, but I may point out that the change of one word in the 20th clause would answer the objection; if in that clause you take out the word "English," and put in the word "Latin," the objection is at once answered. Then I come to the question as to the mode in which the Bill deals with preferences. Certainly there are very important questions, both of principle and of detail, upon that clause; nevertheless, it is a very fair question to consider whether the principle of respecting founders' intentions is or is not carried far enough, or whether it is carried too far. With regard to kindred, I have disposed of that part of the question, and I do not expect I shall be answered. With regard to the point of local preference, I view that in connection with the subject of indigence; and it is my intention, unless the Government adopt my view, to propose in Committee, not that local preferences shall be universally maintained, or that, under a nominal provision for indigence, you shall retain only a portion of them, but a proviso to the effect that it shall continue to be lawful in all cases in which the right of preference is now given by any Statute to any person who shall have the qualification of poverty or indigence, combined with any other special qualification, for the electors to give effect to such right of preference in favour of any candidate claiming the benefit of it who shall, upon his examination, obtain from the examiners the certificate referred to in the 33rd clause, and who shall have shown to the satisfaction of the electors (to be certified by them in writing at the time of the election) that he is, or is likely to be, unable to prosecute his studies in the University without pecuniary assistance from some charitable fund or endowment. Such a provision would meet cases of *bonâ fide* poverty, and I think it will be found to adhere to the true principle; for it is quite manifest that the qualification of indigence, if preserved at all, should be adhered to in cases of real indigence, and not where it is comparative only. With regard to local preferences, except in this respect, I do not express any opinion on this occasion;—the question touches the foundation with which I am myself peculiarly connected, and I do not desire to enter upon questions which may affect the obligations by which I am personally bound. But I come now to another point upon which I have a strong opinion in common with my Friend the hon. Baronet the Member for the University of Oxford. I allude to the provision concerning schools. I think that question has not been sufficiently investigated or considered with relation to this Bill. The question has not been sufficiently investigated upon the school side. There is a school side of the question. The Commissioners who inquired into the Universities and colleges had no authority given them to look at all upon the school side of the question; and moreover, they had not that authority even in the cases of the colleges of Eton, Winchester, and Westminster, which are so closely connected with several colleges in the Universities of Oxford and Cambridge. We must consider it, then, in that point of view; and it appears to me we are bound to consider, first of all, the influence of those college endowments upon the schools connected with colleges, and whether the purpose of the founders was merely to make an University institution, or to establish University institutions, with a view thereby also to promote education in the places where the schools are carried on. If these endowments act as great prizes for the schools, then all we should do is to amend them by better management and by better regulations in the colleges and the schools; then we cannot justly forget the interests of the schools—by which I mean all the local and general interests which are bound up with them; because the public schools of this country — and every grammar-school has the chance of being elevated into an important public school—are no less deserving of the respect, the consideration, and the protection of the Legislature than the Universities. Our attachment to these schools, and to the general interests of school education, is not less than to the Universities; and I am sure that my right hon. Friend below me (the Chancellor of the Exchequer) feels even more warmly for Eton (were it possible) than he does for Christ Church; any attempt to divide these schools from the colleges, which have stood in this relation to them from their very foundations, would be most unwise and unjust. Let us look for a moment at the progress which our public schools have made. In our time the numbers of our important public schools have been increased. Formerly there were only Eton, Westminster, Winchester, and Harrow; but within the memory of some gentlemen now living, others, which were formerly secondary, have risen into the first importance. Rugby School, in Warwickshire, has become an important public school; Shrewsbury, the same; Birmingham, the same; Manchester, the same; and we have, besides, the schools at Macclesfield, Sherborne, Tiverton, and other places. I might easily multiply the number. All our grammar-schools, under the fostering care of the law, owing to the wise regulations made as to many of them by Parliament, and as to others by the Court of Chancery, in consequence of the research of the Charity Commissioners, have become institutions of growing public use and importance. I hope that system will be continued, and that we may see many more of them rescued from the comparative neglect and obscurity into which they have in times past unhappily fallen, and used as great centres of education, and thus promoting that most important public work which we have so much at heart. To take from these schools their great University prizes, to destroy their connection with their colleges, would be suicidal. If you desire to make them effective, important, and increasing instruments of education, by all means see to their improvement; by all means interpose such regulations as may make the prize effective for its objects; but do not destroy the prize; do not alienate that which is really part of the substance of the school endowments—of the school foundations. Having made these observations generally, let me observe, in addition, that the Court of Chancery, whenever a school has come before it for a scheme, has continually directed exhibitions in the University to be founded. It has always thought that one of the most necessary means for extending the usefulness of the school. But having so far argued the general principle, I now wish to investigate its application in one case which has been already mentioned, which may be taken as an example, but perhaps as the most defined example of this whole class of cases. I mean the case of Winchester and New College. If there is one foundation which more than another deserves such notice, it is the foundation of William of Wykeham, part of which is at Winchester, and part in Oxford. It is a foundation which occupies a most important place, and I put it before Eton and King's because it is the prototype of that institution. I confess I think that the elections into Winchester College should be by merit, and that the elections from Winchester should proceed by examination for merit to New College. I have no objection, speaking as I think, in the interest of the great founder, to the introduction of a longer and more efficient system of probation at New College before a scholar is made a fellow, nor even to the introduction of a system of election from scholarships to fellowships, under which all the graduate scholars should be eligible by competition among themselves. But while I think it is fully open to Parliament, regarding the spirit of the founders' intentions, to consider such regulations as these or others, I do protest most humbly against any attempt to destroy the connection, or to diminish or to impair the connection, between New College and the seventy boys who are brought up at Winchester on Wykeham's bounty, in order that they may have their education completed, and their entrance into life provided for, by going to Oxford. I say I protest against the separation of the two institutions, which would prevent the founder's purpose with regard to the school from being fulfilled by means of the college. On what ground is this proposed? It may be said that the thing has not answered. Now what is the foundation of that statement? I will tell the House. Let us look, in this matter, to time. The foundation is now more than 460 years old; and, during that time, let me try it in comparison with other institutions in the University, by the contributions it has made to the English Church. I find that it furnished to the Church of England, since the date of the foundation, and before the end of the last century, excluding the present century, and only reckoning down to the year 1777, five archbishops and thirty other prelates—in all thirty-five. Christ Church, during the same period, furnished seventy-five prelates to the Church of England. But observe the difference in position. Only thirty-five prelates were furnished by Wykeham's foundation; but it had no commoners; it elected none from other colleges; it had no additions from extraneous sources; yet from its own resources it contributed five archbishops, and thirty other prelates, all genuine thorough-bred Wykehamists, to the Church of England. During this period, Christ Church had its hundred students, its many commoners, its deans and canons, often eminent men, adopted from other colleges; yet, taking them altogether, it barely doubled the number of Wykehamites, for it only furnished seventy-five prelates. There were only two other colleges in the whole University which produced nearly the same number of dignitaries in the English Church—Merton (a hundred years older), which produced forty-four; and Magdalen, which produced thirty-six; all the rest were much below. It may be said, "But this is not sufficient." Let me, then, try another test. The system of examination for degrees was first introduced in Oxford in 1807; and it is a great misfortune to New College to have had a privilege of a mischievous nature, which exempted the scholars from the necessity of passing the examination for degrees, so that until within the last twenty years they were thus debarred from competition for the honours which those examinations produced. This entirely threw them back; and in consequence, during the whole period while the examination system prevailed, the institution lost ground. About twenty years ago they had the wisdom to give up this most unwholesome privilege; but they had then no tutors who had been educated under the system of University examinations, and consequently they had a great deal to do to make up the lost way. But I want the House to see, in order to judge of the intrinsic capabilities of New College, as a foundation, what was done during the thirty-nine years preceding the institution of the examinations in 1807, when there were Chancellors' and other University prizes, which, instituted in 1767, continued during that period. During those thirty-nine years of the University prizes, twenty-one prizes fell to Christ Church, thirteen to New College, ten to Corpus, and six to Queen's. All the other colleges were left in a ruck behind. Therefore we have New College, standing upon its own intrinsic merits, bearing off many prizes, and coming second in the competition with the whole University. Then, I ask the House not to conclude, because of the unhappy drawback which arose, during the last half-century only, from the working of the examination Statutes, that the college was not supplied with good blood, or that Winchester is not capable of competing for the University prizes under such regulations as may be provided without violation to the integrity of the principle of the foundation. I shall now confine myself to a few observations upon two other subjects—the one with regard to the clause in this Bill which relates to the tenure of fellowships. I think, with regard to the tenure of fellowships, there may be a good many details on which we may differ. First, I would say, I concur in the opinion generally entertained, that too short a time is proposed to be given for those persons to hold their fellowships who are to enter into the liberal professions. I would suggest that further time should be given, not only to those designed expressly for holy orders, for law, and medicine, but for all intended for other learned or liberal professions. With regard to residence in the Universities, I would say that the certificate of study which it is proposed to require is in principle vicious, and ought to be given up. In this respect I differ from the suggestion of the hon. Member for Tavistock (Mr. Byng), who to-night addressed the House with perhaps as much ability and good taste as I have ever heard in the first speech of any Member. I certainly think that, instead of making stricter this certificate of study, it ought to be abandoned; that we ought to be content with the voluntary declaration of the fellow of a college himself as to the purposes for which he resides; for gentlemen who have attained to years of discretion, and have gone through the University course, are not to be treated as children. Some regard should be paid to the dignity of the individuals. I must, however, take leave to express my astonishment at that part of the observations of my hon. Friend opposite (Mr. Wigram) which had reference to the clause intended to make non-resident fellowships terminable. The hon. Gentleman spoke with great earnestness of the propriety of adhering to the intentions of the founders, and he complained of the Bill for departing from them. Now, this clause in the Bill is conceived in a restorative spirit, and in a belief that, if the founders intended anything, it was that there should be no sinecurists, but that the fellows should reside in the University and study or make themselves useful. Yet the hon. Gentleman was not in the least embarrassed by the fact that the founders enjoined residence; he said that he thought it would be more beneficial to the colleges that the fellows should not reside, and, therefore, he recommended that they should not be required to do so. Well, but this is exactly the principle, upon which all the provisions of the Bill, which he objects to, are framed. Where it interferes at all with the directions of the founders, it does so, rightly or wrongly, on the ground that such interference will be most beneficial to the colleges and the University; but when the hon. Gentleman differs as to the expediency of any particular deviation from the will of the founder, he says that the principle is wrong. Therefore, according to him, the Bill is wrong because it departs from the founders' intentions in one thing, and it is wrong also because it proposes to return to these intentions in another thing. Of course, if we go upon the absolute principle of merely regarding the founders' intentions, it is manifest that the founder has required permanent residence; and non-resident fellowships continuing not permanently, but only so long as may be useful to the introduction in life of persons who have distinguished themselves at the University, are clearly much more in accordance with the spirit of the founders' intentions than non-resident fellowships held for life; and they are also more useful, because the more quick the succession in them, the more competition you will have for the prizes of the University. Where persons are engaged in the study of law or medicine, for instance, if you continue such fellowships beyond the point that is adapted to the requirements of University purposes, you will be alienating the funds which might otherwise be extremely well applied in promoting those purposes. With reference to the property clause of this Bill, I think that those who support the measure on the general principle may reserve to themselves fully the free consideration of that part of the question in Committee. It does not follow, because I agree to the foundation of professorships, and concur in the principle that, beyond all doubt, the University and the colleges have that species of connection with each other that would justify the University, and the Legislature on its behalf, in calling on the colleges for a contribution towards University purposes and objects, that, therefore, I may not be extremely jealous of any invasion of the college foundations, or of anything which may affect the appropriation of a part of the funds of those foundations for University purposes, unless it be demonstrated to me that those purposes are absolutely indispensable, and cannot be otherwise provided for. As to the professors, I confess that I entertain no jealousy with regard to them. My sincere conviction is that the best arrangement would be that which unites the most efficient professorial with the most efficient tutorial system. I think that either of these must be incomplete without the other; and, therefore, I think it is a just object of the Bill to make a provision for a more efficient professorial system than prevails at present. With these observations I feel that I have only discharged a duty in stating the grounds which lead me to recognise in this Bill a measure which is conceived on the whole in a really conservative and friendly spirit towards the University; and, although we are not now bound to enter into all the details of the Bill, I should certainly have felt great regret if I had not had an opportunity of tendering to Her Majesty's Government my thanks, as an individual who is deeply interested in the welfare of Oxford University, for the spirit in which they have dealt with this important subject.

Mr. HENLEY said, that with many portions of the speech of the hon. and learned Gentleman who had just sat down he certainly very much agreed. If he had understood him aright, the hon. and learned Gentleman had condemned any attempt to interfere with the resources of the colleges against their will, for the purpose of setting up professorships. The hon. and learned Gentleman had also declared that in his judgment the tenure proposed to be extended to the fellows in the colleges was too short; he distinctly stated that the proposed system with respect to studies was vicious. The hon. and learned Member had also altogether dissented, and that in the strongest manner, from the provision of the Bill with regard to the existing preferences in favour of particular schools; and he had perhaps only forborne to tell the House that he objected still more strongly to the abolition of the privileges of particular localities. The hon. and learned Gentleman had certainly dwelt on the question of kindred: but his argument on that point cuts both ways; besides he had quoted the authority of Justice Blackstone, and if that eminent man had possessed the authority that belonged to him in his later days, when he gave the opinion to which the hon. and learned Gentleman had referred, his views on the point of kindred would no doubt have been different.

Mr. ROUNDELL PALMER said, he must explain, that the point had been decided in the meantime against Justice Blackstone, by the visitors, before he became a distinguished man.

Mr. HENLEY: No doubt when he became more distinguished, he saw reason for assenting to the decision which had been given against him. The rights of schools in connection with this subject had had powerful and able advocates in that House, but the rights of localities had been very much overlooked. It had been said, that benefit would accrue to particular colleges if the privileges of these localities were done away with. Now he (Mr. Henley) could quite understand, that an ambitious head of a college, or the fellows belonging to it, might desire to have a larger field of choice in order to render their society more distinguished; but what comfort was it to the small town, or other district which was to be deprived of the advantages which it enjoyed from these magnificent foundations? He thought that places which were to be made to take their chance in a competition extending over the whole country ought to be allowed a hearing on this matter, in order to let the House know if they thought that they would derive any benefit at all from this measure, or any benefit commensurate with the privileges of which they were to be deprived. The hon. and learned Gentleman (Mr. R. Palmer), and the hon. Baronet the representative of the University (Sir W. Heathcote) had completely exhausted that part of the question relating to the schools; and he (Mr. Henley) thought that the Government would find themselves pressed in Committee on this point in a manner which they would not be able to resist. He would quote the evidence of a witness of very great authority, because the Government had chosen him as one of the Commissioners to be appointed for carrying out the provisions of this Bill, should it be passed by Parliament. He alluded to Sir John Awdry, who stated that whatever ground there might be for the interference of the Legislature, the Legislature had no right to confiscate the college property; and in another part of his evidence he also stated his opinion that to confiscate the college funds in order to endow professorships would be sheer robbery. If, therefore, he (Mr. Henley) had used strong language on the introduction of this measure, the language above quoted was quite as emphatic. He was certainly not sorry that a gentleman of such sentiments was to be placed upon the Commission, because if Sir John Awdry's opinions did not (like those of some Gentlemen now on or near the Treasury bench) undergo a great change in a very short space of time, he would no doubt take care that the operation of the measure should be rendered as little mischievous as possible. The hon. and learned Gentleman (Mr. R. Palmer) expressed great alarm and distrust when the noble Lord first announced the appointment of the Commission to inquire into the University; but he seemed from some circumstance to look with no alarm at the present Bill, although he certainly condemned, in no very measured terms, every part of it, concluding, however, rather oddly by thanking the Government for having introduced a measure the details of which, he said, must be very prejudicial to the University. The hon. Gentleman (Mr. Byng), who had addressed the House for the first time that night and with great ability, made an observation with reference to the heads of houses that was only part of a system which the Commissioners themselves were not altogether free from, namely, an unjust system of running down the present heads of houses. It was said that that body was elected not at all for literary merit, but for every other reason; and, in fact, jobbing had been insinuated against them; and it was even said that elections were frequently made to clear out a college in order that other fellows might obtain livings. Now, he happened to live in the neighbourhood of the University, and knew something of the heads of houses, and he could not hear the reference that had been made to them by the hon. and learned Member for Tavistock (Mr. R. Phillimore) without saying that his intercourse with them led him to believe that the reports were wholly unfounded. As to the Dean of Christ Church and Dr. Routh, the head of the college to which he belonged, it was not needed to speak of their learning and literary reputation. It was a great mistake to suppose that persons should be elected to these high offices merely for their literary acquirements. It might be a fortunate thing, both for the person himself and for the college, that he should not have been confined all his life within its walls, but should have moved about at some period of his life in the world, and going back to his college duties with larger and more correct views on many subjects. Now this Bill, although it might not be so intended, certainly evinced a spirit of jealousy towards the heads of houses; it took away the legitimate influence which they ought to exercise, and cast a slur upon them, and degraded them. The Bill proposed to re-constitute the Congregation, but if its power of debating was to be taken away from that body, he did not know what it would have to do at all. The hon. and learned Gentleman who approved of this Bill said, "Just strike out the word English and insert the word Latin, and then I should like to know what would become of the Congregation?" Why, it would only become a sort of *alter ego* of the Convocation, and the next step should be to abolish it altogether, because it would certainly then be one of no use. It would be better to allow the heads of houses and the professors to elect their respective shares of the governing body, and leave the members of the Convocation to elect their own particular body, and thus do away with the Congregation altogether, because the mere election of some half-dozen persons was hardly a matter for which it would be worth while making such a change as was proposed with regard to the Congregation. What was wanted appeared to be some greater facility for getting at the governing body, with the view of suggesting legislation affecting the University. He did not think a convenient mode for accomplishing this was pointed out in this Bill. It would be impossible to say when a measure would be finally decided if the machinery of this Bill were adopted. When a proposition was made to 200 of the sharpest wits of the University it would be very hard indeed if they could not suggest successive amendments in it which would then have to be promulgated; so that the whole process would have to be gone over again and again. This would therefore be anything but a working measure, but the subject would require to be fully considered in Committee. It was now four years since the noble Lord opposite (Lord J. Russell) first thought fit to throw the University into a state of agitation and comparative confusion by appointing the Royal Commission, and ever since that Commission had been issued, every moving spirit in the University had been at work in some direction or other; and nothing like quiet would be restored until some measure or the other was passed. He confessed that this consideration weighed more heavily than any other with him in inducing him to refrain from voting against the second reading of this Bill. There was very little to find fault with in the preamble of the measure; and if the Government were honest they ought not to object to frame the enactments in conformity with that preamble. If they were not honest, it would be no discredit to anybody who supported the second reading, to vote against the Bill after it came out of Committee. The Commission issued by the Government was distinctly inconsistent with the letter which they sent to the late Duke of Wellington. He hoped now that the Government would not proceed in regard to this Bill in contradiction to its preamble. The hon. and learned Member for Newcastle-on-Tyne (Mr. Blackett), a University reformer, had rather oddly described this Bill. He had said it gave with one hand and pulled back with the other, and that it pulled away with the left hand more than it gave with the right. When such was the view of so acute and learned a Member, he (Mr. Henley) might be excused if he felt very uncertain as to how the enactments of this measure would practically work. There were so many clauses and provisoes, and so many things which the colleges might do, or which, if they did not do within certain conditions and restrictions, they would be done by the Commissioners themselves afterwards, that until they went into Committee to discuss the details of the Bill, he could not understand the exact bearings of its various clauses. He believed that legislation was necessary, for many of the colleges at this moment were existing under Statutes with respect to which they hardly knew whether they could be considered to be disobeying them, or whether the Statutes themselves might be regarded as so far obsolete that no disobedience could fairly be urged against them. There were many conscientious men, members of those colleges, who he believed would be very glad to have this point made clear. There were many persons, also, who thought that alterations might be made which would be within the scope of the intentions of the founder; but which the colleges now had not the power to carry out. Of course for such persons a mere enabling Statute would not do; because if a man believed that in consequence of an oath he had taken he had not the power to do a certain thing, they could not by an enabling Statute relieve that man's conscience. He confessed he thought it a very fine distinction—and he could not exactly realise the ground on which it had been put forward, but as it had been put forward they must deal with it; it was, he said, a very fine distinction which was taken by those gentlemen, who said—"We are under certain obligations by which we consider ourselves bound; we wish to be relieved from those obligations; but the Legislature must do it." This seemed to him, he must say, something like "seeing a thief and consenting unto him;" yet it was in many cases the ground upon which a claim for legislation was put forward. Although he did not think this was a sufficient ground for legislation, he did believe that there were many things which came strictly within the intention of the founder which could not be carried out without an enabling power from the Legislature. The fate of this Bill must depend upon whether the Government would permit—he would rather say whether the Government would not resist—anything that might be fairly shown to be reasonable. It must be admitted upon all hands, that the measure had been received in a fair spirit—that there had been nothing like party opposition to it; and that every disposition had been shown to confine the discussion within the four corners of the Bill itself. There was enough there to call for grave and serious consideration. They had heard a great deal about whether this measure would most favour the tutorial or professorial system of education; but he thought that was a very short way of looking at the subject. In his opinion, any Government intending to remodel, as this Bill proposed to do, one of the first educational institutions of the country, had a much larger question to look at than whether the education given should be carried out according to the tutorial or professorial system. The great question which they ought to lay before the country was what should be the quality of the education which they should endeavour to secure to the people; and, having come to an understanding upon that point, it would be a fair subject for discussion, whether the tutorial or professorial system would be most likely to accomplish what they wished. Upon this point, unhappily, they were in a most unfortunate position. The right hon. Gentleman the Member for the University (the Chancellor of the Exchequer) had said he would have nothing to do with the education of dissent; the noble Lord the Member for the City of London (Lord J. Russell) wished to educate dissent; and thus they had those two Members of the Government, to whom the country ought to look with confidence for information as to the principle of education and the quality of education which they thought it most desirable to carry out—they had these two Members of the Government, who appeared to have most to do with the measure, judging from the part which they had borne in the discussions which had taken place, distinctly opposed to each other upon this important question. Between these two points what could there be but the widest latitudinarianism? It was impossible that that House could consider, with any prospect of satisfactory result, how education should be carried on, until they knew what the education was to be, and that was a point upon which the Government had not yet informed them. He thought that the system of private halls had been introduced purposely to favour the views of the noble Lord. The noble Lord smiled; he had no doubt he felt that, in carrying that portion of the present measure, he would be getting in the small end of the wedge wherewith to effect his object. His right hon. Colleague (the Chancellor of the Exchequer) probably would say that he did not see the matter in the same light; but he (Mr. Henley) could not understand how that right hon. Gentleman and the noble Lord could lay down together a common principle of education. The question which was really involved—and the question which would have to be decided—was, whether they were, or were not, going to give a religious education to the people. If they were to give a religious education, they must make up their minds what that education was to be, for they could not teach religion in the abstract. If they attempted to do that they would have infidelity on the one hand and superstition on the other, while latitudinarianism would sit smiling between. If they had a distinct proposal to carry out either the views of the right hon. Gentleman or the views of the noble Lord, they should know what they were about; but this measure having been framed, partly with one view and partly with the other, he could not look at it with the same confidence as he might do under other circumstances, and he feared they would not get what he was most anxious to get—a sound religious education for the country. He trusted that the University would for ever remain an institution to secure to the people of this country a sound religious education. Dissenters were as much interested in that object as the members of the Church of England. Persons dissenting from the Church were always sincerely religious persons—they would not dissent if they were not—and they had, therefore, a great interest in the people being religiously instructed. He believed that a great national institution, like the University, holding forth to the country the necessity of educating its inmates in the religion which it believed to be true, did much to support the cause of religious education generally; and that if the places of education in this country were to be frittered away, as he believed this Bill was now laying the foundation of frittering them away, down to indifference to all those matters which education ought to concern itself about, the dissenting bodies would be less able to keep up the religious spirit of the country, and, in proportion to their numbers, would suffer equally with the Church. He regarded the University as one of the great causes of forming the national character, for from it came the teachers of the people; and the character of mind there acquired — the love of truth and justice, the habits of hard and severe study, which were there inculcated, and which not only enabled a man to acquire knowledge, but rendered him more capable to discharge effectually the active duties of life—were spread, imperceptibly perhaps, but certainly, among all classes of the people. He thought there would be great danger that the national character would be impaired, if our University system were superseded by any foreign system encouraging a habit of learning merely by rote, and that they would be running the risk of stamping Sheffield plate with a silver mark. He trusted rather to see the University extend its sphere and improve its usefulness, and continue, as it had been, one of the greatest blessings of this country.

Mr. GOULBURN said, as representing another University, he had, perhaps, but little claim to address the House on this occasion; but he considered that the two Universities were so intimately bound up together, that it was highly important that, in considering measures which applied to one, they should not put out of view the effect which those measures would have if extended to the other. The Universities, rivals though they might be for public approval, co-operated for the benefit of the public; and it was necessary to consider their joint influence on the general interests of the people. It must be borne in mind that they differed materially in their original constitution. They differed not less materially in the principles of their several foundations; they differed also in the class of instruction which they imparted, and in the respective systems by which they strove to make, and did make, their education effective as a preparation for the active business of life; and they differed also, he regretted to state, in this, that whereas the University of Oxford had not adopted what had been recommended to it in 1837, by modifying its institutions and enlarging its sphere of usefulness, the sister University from that period to the present, had been uniformly labouring to make improvements in her system of education, and to adapt herself to the varying circumstances of the times. Differing, then, as the two Universities did in these important points, it followed that any legislation designed for their improvement must necessarily differ also. If there had been a Bill on the table of the House for regulating the University of Cambridge, he should have been able to ascertain whether the framers of that Bill had attended to the distinction he had just shadowed forth. As that, however, was not the case, he thought he could not render greater service to the University he had the honour to represent than by pointing out at once, for the information of those by whom any such Bill might hereafter be drawn, what would be the necessary effect of certain provisions of this measure, to the University of Cambridge. If he had had the good fortune to address them at an earlier period of the evening, he might have gone into detail. At present, he should merely content himself with drawing the attention of the Government to particular points, in order that when a Bill for regulating the University of Cambridge came under discussion, it might be, as it ought to be, a different measure from this. It was his intention to support this Bill as far as the second reading was concerned. if he had had any doubt upon that point, the argument of the hon. and learned Member for Plymouth (Mr. Roundell Palmer) would have convinced him. There were three provisions in the Bill, however, which, if they were introduced into the measure affecting the University of Cambridge, would impair its usefulness, if not altogether destroy its character and influence. The first of these was the provision with respect to the establishment of halls for members of the University not belonging to any college; the second was that defining the mode by which scholarships and fellowships are to be obtained; and the third, that by which the duration of fellowships was to be abridged. Now, the first of the three provisions to which he had referred was in direct opposition to the recommendation of the Commissioners appointed to inquire into the University of Cambridge. If this and the other provisions to which he had referred were applied to Cambridge, the character and the benefit of the collegiate system would, in great measure, be destroyed. At present, an individual belonging to a college felt an interest in the institution with which he was connected. He felt not merely a personal pride in the honours which he might obtain; he was animated by a still stronger feeling—that of maintaining the character of his college. He recollected seeing the letters which some of the successful competitors wrote home to their parents in the year when the seven first men in the classical tripos belonged to Trinity College, and he had not forgotten that they dwelt not on the glory which they had themselves acquired, but on the strength and stability they had added to the college of which they were members. And when, in three successive years, the senior wranglers were from St. John's College, the same feeling animated those who had attained that high honour. They felt gratitude to the institution which had received them when poor, and which had nourished their youth; and they felt an honourable pride in being able to repay the obligation by contributing to its honour and glory. It was not wise to discard the incentives to exertion and industry which the present system afforded. By the 28th clause of this Bill it was declared that no preference in the competition for college fellowships was to be given to any member of the college foundation. Such a clause as this introduced into a Bill with respect to the University of Cambridge would necessarily excite alarm. He should certainly feel great surprise at hearing that Trinity College, to which he belonged, was, as this Bill would designate it, a close body. That college—which admitted everybody, whatever might be his birth or station in life, provided he owned allegiance to the Queen—that college, the scholarships and fellowships of which were only awarded after the strictest competition—that college, where merit and character always obtained its due reward—that college, which he always considered one of the most open institutions that existed in the world—would be entirely changed in its character, if this 28th clause were applied to it. It was said that the object of this clause was to secure competition. But where would they find stricter competition than in that college? On a vacancy in any one of its seventy-two scholarships, there were 300 members of the college who might compete for it. There were four or five fellowships vacant in each year, for each of which there might be seventy-two candidates, who had already submitted themselves to the ordeal of a previous examination, who had since made progress in their studies, and who could only be admitted to the higher honour in consideration of good character and superiority in attainments, which they had exhibited during their college course and under the ordeal of a strict examination. They had here, surely, every security they could desire for the advancement of merit and the defeat of competitors of inferior attainment, while it seemed to him clear that if they admitted students living in halls to become competitors, they would be doing an injustice to those who had already entered the college and would defeat the intentions of its founder, that intention being to train up men from the commencement to the close of their University career, so as to be assured of their character and ability. He quite accepted the principle laid down by the hon. and learned Member for Plymouth that that House was at liberty to deviate from the scheme laid down by the founder of any one of these colleges, in order to give effect to his real intentions. But they were not to frustrate their intentions, nor to deviate for any other purpose or to a greater extent than was rendered necessary by the altered circumstances of the present as compared with past times. It was further proposed by the present Bill that the duration of a fellowship should be limited to one year. Now, he would ask, who would devote himself to laborious study for five years in order to gain a miserable pittance of 150*l.* for a single year? [Mr. R. PHILLIMORE: The fellowship might last five years]. That might be the intention of the framers of the measure; but let the House see the position in which the successful competitor for a fellowship would be placed. He would have a right to his fellowship for twelve months only, but the president of the college to which he belonged might give it him for five years. His enjoyment of it was thus contingent upon the will of the ruler of the college. Great uncertainty was thus introduced into the prospects of the man who received the reward; while great suspicion must necessarily be cast upon the conduct of those at the head of the institution, if they gave in particular cases the extension of time which they refused in others. What was the effect of the fellowships as at present constituted? Persons who did not enter holy orders might retain them for seven years. During that period they launched themselves on that profession which they had chosen. Many eminent lawyers had thus, and thus alone, obtained the means of entering their profession; and if the term for which fellowships were held should be shortened to one year, he believed that the bar would be deprived of many of those who, under more favourable circumstances, would become its highest ornaments. Nor did this apply to the legal profession only. The effect of such a provision would be to impede the advancement of many most valuable members of society, who might rise to eminence and distinction in other professions, were the tenure of the fellowships not shortened in duration. He hoped and trusted he might receive some assurance from the Government that the provisions contained in this Bill, and to which those most intimately connected with Oxford, and best acquainted with what would be beneficial for it, saw no objection, would not be applied to the sister University. They were not required there by the circumstances of the case, they were not recommended by the Commissioners to whom was delegated the task of pointing out what reforms were necessary in that University, and he believed that if introduced there they would be detrimental, not only to the interests of the University, but to the higher interests of learning and religion. As he was only anxious to put the Government in possession of what he believed would be the consequences if, without regard to the difference of circumstances, they applied similar provisions to the University of Cambridge even though supposed by them to be conducive to the welfare and benefit of the University of Oxford, he would not detain the House any longer from proceeding with this measure.

The CHANCELLOR of the EXCHEQUER said: I entirely agree with my right hon. Friend who has just addressed you, that in any legislation with respect to the two Universities of Oxford and Cambridge, we ought to have a careful regard to the distinctive character of those Universities; and although it is undoubtedly true, as stated by my noble Friend at the head of the Government in another place, that the general principle and outline of the legislation they require bear close resemblance in the one case and in the other, yet also it is obviously true with respect not only to minute details, but several important provisions of the Bill, it is desirable Parliament should pursue a course somewhat distinct for Oxford and for Cambridge. I shall, therefore, think it quite unnecessary to follow my right hon. Friend in the discussion of the three points to which he has just adverted, but simply say I do not think he has exactly collected the purport of the provisions of this Bill even as they stand, while in respect to one point, the too great abbreviation of the term during which the fellowships may be held in conjunction with non-residence, surely I may remind my right hon. Friend that that point, if no other, may be regarded simply as a detail of the Bill, with which this House can deal according to its wisdom and judgment after due consideration. Now, it appears to me, that after from seven to eight hours' debate, Oxford, and all those interested in that University, have just reason to be satisfied with the tone of this discussion. Without a single exception, beginning with my hon. Friend the Member for the University (Sir W. Heathcote)—proceeding next with the right hon. Baronet opposite the Member for Droitwich (Sir J. Pakington)—that discussion has been conducted on the part of those belonging to Oxford in a tone of affectionate attachment and veneration for the place which it well deserved; and with respect to those who do not belong to Oxford, with a seriousness and calmness of consideration, and an entire freedom from any reference to party politics, which likewise eminently distinguished other speakers. And, Sir, if in former times—in times long gone by—Oxford has presented Parliament with the illustrious names of Mr. Fox, Mr. Canning, and Sir Robert Peel—it has been no common gratification to me to have listened to-night to the first efforts of two Members of this House, the hon. Member for Tavistock (Mr. Byng), and the noble Lord the Member for Stamford (Lord R. Cecil), whose first efforts, rich with future promise, indicate that there still issue forth from the maternal bosom of that University men who, in the first days of their career, gave earnest of what they may afterwards accomplish for their country.

Sir, having said this with perfect truth and sincerity, I must likewise say, when I listened to the noble Lord, it occurred to me that, though he has learnt much, I may venture to assure him he has something to unlearn. For, when the noble Lord speaks of the levity and precipitancy with which majorities of this House deal with great interests and great institutions of this country—when he tells us we have one year a Ministry of the highest Toryism, and another year a Ministry at the lowest point of Radicalism—when he says the majority of this House is no more than a weathercock, swayed by every passing breeze—I venture to promise him that his future practical acquaintance with the constitution conducted within these walls, where I trust he will long remain, will give him in a short time, I doubt not, a better opinion of the British House of Commons. I feel that, though it may be liable to be influenced for the moment with gusts of passion and of party feeling, he will find Parliament does not deserve the character of representing in its deliberate decisions no more than the fancies of the passing hour. Certainly the noble Lord did oppose the principles of the Bill, and I am afraid I must consider that the right hon. Member for Oxfordshire (Mr. Henley) likewise declared himself an opponent on many points of it. But I am bound to say, referring to the general character of the debate, not only the tone, but the opinions expressed, have been such as to satisfy me there is every hope and reasonable prospect that this measure will, after discussion and such modifications as appear to the House to be just, pass into law in the present Session. The right hon. Gentleman, the Member for Oxfordshire referred to one or two points on which I must briefly touch. He stated that one of the Commissioners whom it was proposed by the Government to appoint, Sir John Awdry, had distinctly declared an opinion with respect to the foundation of professorships by the heads of colleges, which he thought at variance with the Bill. I do not read the opinion of Sir John Awdry to be so, and the passage quoted does not imply any such contrariety of opinion. The passage, as I think, implied that confiscation of college property in order to found professorships to be filled up by the Crown, was a thing that could not be endured. No such confiscation is contemplated. There are no compulsory provisions requiring the separation from a college of any part of its foundation. There is no provision in the Bill enabling or empowering the Crown to intrude any professor, or appoint any professor to a college. Sir John Awdry, consenting to remain as a member of the Commission, made himself master of the provisions of the Bill, and his well-known character is a sufficient guarantee of his comprehension of those provisions, and his intention, should his name be inserted by the vote of Parliament, to give effect to them in good faith, and without diminishing their efficacy. Then, I think, the words fell from the lips of the right hon. Gentleman, that this Bill is purposely intended to throw a slur upon and degrade those high in authority at Oxford, as heads of colleges and halls. I am quite sure the right hon. Gentleman did not intend to render it necessary for me to give an emphatic and even a warm denial to any such accusation, because I do not think he intended to impute any such intention to the Government. As to the question whether we give sufficient power to the heads of colleges and halls, or too much power, that is a matter, I think, which we can best discuss in Committee. The Bill proceeds on this principle, that the heads of colleges and halls is one very important and influential class, yet still only one class in the University, comprehending several; and, therefore, for putting an end to a state of things which places virtually the whole initiatory power, almost the whole legislative power, in that class, we invite the House in Committee to consider how best to frame a constitution which shall give the main elements that particular share of influence and power to which they are entitled. The right hon. Gentleman likewise referred to another subject—the subject of the admission of Dissenters—with respect to which he lamented to find a contrariety of opinion between my noble Friend the Member for the City of London and myself. There was no such contrariety. My noble Friend stated his opinion in favour of the admission of Dissenters to education and honours in the University of Oxford, but stated at the same time his intention to vote against any proposition for inserting such provisions in the present Bill. I, following the noble Lord, likewise stated I should give a similar vote. I did not enter into a discussion upon the subject of the admission of Dissenters, for this plain reason, inasmuch as we were promised full opportunity of discussing the matter when in Committee. I did think it in my position, having the honour to be one of the burgesses of the University of Oxford, more befitting me, and more respectful to my constituents, to reserve any declaration of particulars, until I had the opportunity of stating them fully, than that, by speaking hastily on a subject so important, I should run the risk of causing any misapprehension. I think I shall carry the universal opinion of the House with me that that was not the time, but when that time comes, if the patience of the House will admit it, I shall be prepared to state with all the precision in my power the reason, the meaning, and the grounds of the vote I am prepared to give.

The debate, with the exception of certain particulars to which my hon. Friend and Colleague has referred, so far as it involved material objections to the present Bill, was opened by the right hon. Baronet the Member for Droitwich, in a speech which I have great satisfaction in saying was distinguished by perfect fairness and candour, as well as ability. But the right hon. Baronet the Member for Droitwich earnestly and fervently conjured the Government to abandon all idea of proceeding by measures so violent and sweeping as those which are now before the House; and for once, if they could, adopt the method of conciliation. Conciliation, Sir! Why, look at the condition of this House. [There were scarcely forty Members present.] I say that we have conciliated, and conciliated until we have conciliated all animation out of this debate, and three parts of the Members who form the usual attendance of Members out of the House. And, however unsatisfactory that may be to those who rise to address the House, that the main recipients of their opinions are the empty green benches, it bears, nevertheless, emphatic testimony to the spirit of conciliation respecting the measure under discussion. The right hon. Baronet, however, falls back, as he is perfectly entitled to do, on a former speech of mine, and he has compelled me, by sending a message to Downing Street, to disinter a speech delivered four years ago. In that speech I expressed a strong opinion in favour of the freedom of government of the University. Sir, I still entertain those views. It is with reluctance that I have come to the conclusion that there is a case which really demands the consideration of Parliament, and I will not now enter into the grounds of that proposition, because I am perfectly ready to refer to the speeches made by my hon. and learned Friends the Members for Plymouth (Mr. Roundell Palmer) and Tavistock (Mr. R. Phillimore), with respect to the demonstration contained on that subject. I do not wish to weary the House by what I have said of done on former occasions. More important matter is now before our consideration than such personal questions; at the same time, after what has fallen from the right hon. Baronet, I may say, when I did speak at that period, I did contemplate the time when, unless large changes were made in Oxford by other means, it would be necessary for Parliament to interfere. These words, and they are very few, were used immediately after the University passed the University Statutes, which introduced some important changes, and were pregnant with other changes. I said:—

> "If the colleges fail to act in the spirit of the University, if they do not make it their aim to render their endowments available in the highest degree for the encouragement of learning, the reward of merit, and the enlargement of the circle within which their benefits are diffused, I grant the time may come when the interference of the State may be required, but at this time you have no justification."

That is precisely the case. The colleges found themselves, generally from no want of will, actually disabled by these Statutes, or the customs which had grown up under these Statutes—to adopt changes that were necessary, and we propose to Parliament to attempt that intervention which is in consequence required; but I hope, with the hon. and learned Member for Plymouth, intervention does not mean perpetual meddling by the Legislature. Nothing can be so fatal to the dignity and independence, and the repose, usefulness, and efficiency of the University. And if the Government now interfere with provisions of some scope, it is because we feel it is desirable, above all things, that this interference shall, if possible, be an interference once for all—an interference effectual for its purpose, and, being effectual for its purpose, one which will leave no disputes, and no necessity for a repetition, at any rate for an early repetition, of any such interference. The right hon. Baronet says he thinks there is great fault to be found, not with the Government, but with the Bill, on account of the provisions relating to University extension, and he says he thinks the plan which, as he said, is proposed by the University, but which, in fact, is not proposed by the University, but is about to be submitted to the University, a better plan than the plan of the Government. Now, I beg the right hon. Gentleman to understand there is no rivalry whatever between us. I must confess I am not so very sanguine of any great extension of the University by means of affiliated or independent halls. That is not a new question. For the last eight years it has been the subject of incessant discussion and consideration, and though there has never been any practical plan, much has been said and written—there have been many good and wise intentions, but after eight years nothing has been done, nothing has been proposed to the University, except in the immediate prospect of this Bill. It is not for the purpose of imputing any want of appreciation of the subject in Oxford that I say this. On the contrary, I know its importance is appreciated, but it is unnecessary to say that the difficulties are very great. The purport of this Bill is not to determine in what way University extension shall be conducted, in connection with the colleges, or under the control of the Chancellor. That is a matter with which the University is dealing, and I have every desire that it shall be successful. Our extension of the University is not a mere extension; it likewise pertains to other topics and other objects more vital and important in our view. The Bill was introduced, because the Government thought the time was come when it was desirable to make an endeavour to give more freedom and power of expansion to the system of instruction pursued at Oxford. We propose that the conditions of the expansion should not be dependent on the discretion of the University or colleges, but that they should be fixed by law for regulating the discipline, order, and quality of instruction, and that that instruction should not depend on the college system alone. For that purpose we propose under conditions—not in the discretion of any executive officer whatever, but on conditions to be fixed by the laws and rules of the University—that it shall be the right of any properly qualified person to open his house and convey instruction to all who might choose to attend. We have no wish to see any plans of extension in connection with the colleges hampered or interfered with. We wish them to succeed; but we also wish to see whether they could not have a freer and more elastic system established at Oxford—to see if it was not possible for the University of Oxford to expand her energies, to unbend herself somewhat, and to rise to the wants of this teeming age. Therefore I hope the right hon. Gentleman understands that it was not our intention to set aside the existing legislation of the University, but it is our intention simply to ask Parliament to legalise a system of expansion. We only interfere by intervention from without, to undo what was done by intervention from within. It is not more than three centuries ago since, not by the will of the University, but by the influence and by the interference of the Chancellor, acting as the Minister and organ of the Crown, that the close system was introduced which placed the University under the control of the colleges; we seek, by the aid of the Legislature, to strike off the fetters which were forged with its assistance. This is the principle on which these clauses are founded.

I will not, at this late hour, attempt to enter into a discussion on the proper method of constituting the Hebdomadal Council—whether it should be elected by a body like the Congregation, or in sections, by the different classes in the University—this will be discussed with more advantage in Committee; but I wish to make one general observation: the plan as now proposed, is founded on the expectation that the generous and temperate spirit which now pervades all parties in Oxford, under this pressure, will always continue. Our expectation is, that the business of the University will be conducted, under the proposed provisions, with a spirit in every class to respect the fair claims and rights of every other class. If we cannot trust the University, this Bill is a bad one; it proceeds on the principle, that if we start the University with good institutions, it may be trusted to work out the plan. If we said to the heads of houses that they were to look forward to a perpetual election by heads of houses, if we told the professors that they were always to be chosen by professors, and other members of the University by their own classes, we would only perpetuate the distinctions which have been thrown over for a moment, and which I hope and trust will be lost in the general desire to promote the common work and great purposes of the University. Well, Sir, the right hon. Baronet (Sir J. Pakington) on one point seriously misunderstood the Bill. He argued on it as if it proposed that all offices in the University, or (I am not sure if I use the technical term) emoluments in the Bill, were to be disposed of on the sole test of examination, as a mode of ascertaining qualification and competency; and he then quotes a speech of mine in 1850, in which I stated that examination alone was an unsafe and unfit test of this. I am still, Sir, of the same opinion, and I do not think, when we consider the usual character of this condition, that it was safe or prudent to make the result of an examination the sole criterion; but, Sir, the Bill does not in any way lay down the rule that examination shall be the only test. Clause 28 provides expressly for superior fitness in character and attainments; and it is also provided that the examiners shall be satisfied, by examination or otherwise, of the fitness of the candidate. I do not think it was possible to make the condition of qualification more liberal. I must say that it is not wise to make examination the sole and indisputable criterion of qualification; but if we wish by regulations to secure a permanent and vigorous succession of subjects, we must call in the aid of examination, and give it a principal place in the determination of competency. This is the principle of the Bill; and the right hon. Baronet, when he impeached its provisions, did not state them with accuracy.

Passing from the speech of the right hon. Baronet, I come to another speech, delivered from the other side of the House and in a very different spirit—I mean the speech of the hon. Member for Newcastle-upon-Tyne (Mr. Blackett). I must pay both Gentlemen the tribute of saying that both their speeches, though differing in spirit, displayed that warm and lively interest in the fortunes and welfare of the University which distinguished all her children who have taken part in this debate. The objections of the hon. Member were directly counter to those of the right hon. Baronet, and I was struck with the fact that he said in commencing that he would take no notice of the objections of the right hon. Baronet; he did not, but directed his criticism wholly against the Bill of the Government. It might, perhaps, be more convenient for the House if, instead of referring first to the argument of the right hon. Baronet, and then to that of the hon. Member for Newcastle-on-Tyne, I was to put one in one scale, and the other in another, and see which would weigh most. The hon. Member states various objections, but I think they were mainly four. The first is, that the colleges will not reform themselves. Now, Sir, I hope that many of them will; but whether they do or do not, this Bill provides machinery under which those who are disposed will be enabled. I hope that will be sufficient; if it is not deemed so, we shall have an opportunity of considering the matter in Committee, and I hope to be able to make it plain to the hon. Gentleman, that if the colleges will not reform of themselves they will on coercion. The second objection is, that the Bill leaves a mass of profane and idle oaths; but it does not. I will not deny that there are some oaths which may merit the term he applies, and these the Bill abolishes. One general oath to the observance of the Statutes may be considered as inexpedient, but it cannot be pronounced idle; even of these we do not require the maintenance. The colleges may abolish them, but the hon. Gentleman knows that a great deal of religious feeling is mixed up with this matter, which cannot be overlooked, consequently we were of opinion it was better to leave the matter to the discretion of the authorities under the control of the Commissioners. Then the objection is that the Bill does not diminish the influence of the clerical element which the hon. Gentleman pronounces to be the bane and pest of Oxford. Where has the hon. Gentleman derived the principle that the clerical element is the bane and pest of Oxford? I ask him, as a practical man, what chance he thinks there would be of passing a Bill through this House which stated in its preamble "Whereas the clerical element is the bane and pest of Oxford," and so on. It appears to me that the predominance of the clerical element at Oxford is only in accordance with the genius of the country, and that it is not very desirable to attempt by the mere force of Acts of Parliament to constrain our institutions into a line which their own genius did not impel them naturally to take. I do not believe it would be possible to induce Parliament to pass any Bill altering the clerical influence of Oxford; the expansion of studies will act upon it, and, if incompatible, will dislodge it. We have provided clauses under which these who desire it may obtain fellowships without assuming the clerical character, and at present we do not think it wise to go further. Individual opinions are not worth much, therefore I will not press my own upon the House at length, but I doubt whether we can separate the large clerical element from the collegiate system. I doubt very much if any legislation could effect it. The feeling of the parents is in favour of having education conducted by those who have taken holy orders, and that is not affected by the clerical character of Oxford. If we look to those schools through the country which are most approved of, and patronised by parents in this country, we shall find them conducted by clergymen. Parents in this country do not look to the mental character of their children only, but also to their moral disposition, and they feel that the clergy of this country, as they now stand, are the persons best calculated to develope the moral faculties. For these reasons the Government have not thought fit to attempt any violent interference with the clerical character of a large number of fellowships.

But the principal objection of the hon. Gentleman is not so much to anything within the four corners of the Bill as to the fact that it has been well received at Oxford. The right hon. Baronet the Member for Droitwich told us to conciliate—the hon. Member for Newcastle says we have conciliated too much. The fact that the measure has been well received at Oxford has been to me a source of the most lively satisfaction, and I think it important it should be so received. I do not know how the hon. Gentleman's correspondence is carried on, but I have received letters from Oxford, not, indeed, representing the majority of the constituency, but containing a choice selection of racy and vigorous terms applied to the provisions of the Bill, which would meet the argument of the hon. Member, that the Bill should not pass unless objectionable to Oxford. The hon. and learned Gentleman the Member for the University of Cambridge (Mr. Wigram) has started a most important question with regard to the Bill; his objection went entirely to the root of all the provisions affecting the colleges; he laid down very high doctrine, and said it was no longer a question of prudence or of policy, but of honesty. The founders have left certain funds, but have left them subject to conditions. You now violate the conditions, but seek to retain the bequests. Yet, after making this charge, the hon. and learned Gentleman says he does not intend to divide against the second reading of the Bill. If such were the character of the Bill, it would require explanation; but that it is not is proved even by the conduct of the hon. and learned Gentleman himself. My hon. and learned Friend says that we are going to violate the conditions of the bequest, and yet to retain the property; and when he spoke of the sole motive of the bequest, I think he had in view some of the local preferences to which an allusion has been made. Now, I deny that local preferences formed the sole motive of the Oxford endowments, and that they influenced the minds of the founders in the slightest degree. The main object of the local limitations was to make the bequest more effective for the general interests. We are speaking of times when communication between one part of the country and another scarcely existed, and when, in order to make the Oxford benefactions efficient, it was necessary to attach them to a particular spot, where they were known to exist, and where their operation was felt. But that state of things has entirely passed away, and I must say that I trust the whole of these local preferences, except such as represent some peculiar feature in the character of the locality, will be brought under the operation of the provisions of this Bill. I would ask my hon. and learned Friend, are those conditions observed at present? He is shocked at this Bill, but he does not appear to be shocked at the present state of things. Are the Statutes of William of Wykeham observed? Who relaxes those Statutes? By what authority are they dispensed with? Are the Statutes of William of Waynfleet observed? What is done with the conditions of Archbishop Chichely at All Souls? Why, Sir, all interfered with, and yet the House of Commons is told that it has no right to make the slightest alteration. This is not the first time that that sort of argument has been made use of here. Exactly the same line of reasoning was adopted last year in regard to the University Tests Bill for Scotland. We were told at first that it would be a violation of the Treaty of Union, and then we were informed that the then existing tests did no harm, because the *Senatus Academicus* had the option of dispensing with them. So that the argument really amounted to this, that the House of Commons had no right to touch the tests, while the *Senatus Academicus* might deal with them as they pleased. The same argument has been urged tonight; but, I would ask, what is the case of All Souls? I say that there the laws of Archbishop Chichely are not only broken, but broken in a manner the most objectionable, because the visitor not only exercised a function which Archbishop Chichely never intended to give him, but he likewise exercises that power, as the noble Lord the Member for Stamford (Lord R. Cecil) well knows, under what I may be permitted to call, without offence I trust, false pretences; for under the plea and in the name of interpreting the Statutes, he alters, he mutilates, he cuts in pieces, he does exactly what he pleases. That is an established practice, a practice which absolute necessity has established, and which does not spring from the caprice or the levity of any body of men; and, that being so, all I can say is, that if the visitor of All Souls is intitled to take such liberties with the Statutes, surely it would not be a stretch of power for the Legislature of the country to exercise the same privilege. My hon. and learned Friend entirely overlooked the present state of things; but having done so, he went on to admit that all necessary changes might be made. But who is to judge what is a necessary change? I can hardly quarrel with my hon. and learned Friend, after he has made so liberal an admission as that.

Mr. WIGRAM: I said changes rendered necessary by a change of circumstances.

The CHANCELLOR of the EXCHEQUER: Just so. Changes rendered necessary by a change of circumstances. I can assure my hon. and learned Friend that I could not find it in my heart to desire a more liberal licence than that. It will cover everything in the present Bill, and if necessary a great deal more. Who is to be the judge of the change of circumstances, and of what has been rendered necessary? My hon. and learned Friend will not tell me that the Oxford founders constituted the governing body of the colleges the judges. They have given them no such power. He will not tell me that those founders constituted the visitor the judge. They have given the visitor no such power. The power of the visitor is to enforce the observance of the Statutes, not, under the name of interpretation, to pare and construe them away. To whom, then, can belong the right of judging of this necessity, but to that body which is the fountain of law in the country, and which alone has the authority to give sanction to such changes as are rendered necessary by a change of circumstances? The right, in short, belongs to the Legislature of the country—to that body to which it appears to me alone my hon. and learned Friend is inclined to deny the power of interfering in any way whatever. It is hardly necessary to refer to the extraordinary application which my hon. and learned Friend made of his own doctrines when he came to speak on the subject of residence. He talks of the main object of the founders. If there was one thing more than another which the founders did contemplate—which was interwoven and intertwined with every idea in their minds, and with every requisition of their Statutes—it was that the members of their colleges should reside. There is not a page of these Statutes which any man could read without observing that, above all, residence was the only condition which they were intended to enforce, and upon the basis and foundation of which the whole collegiate system was raised. It is a question of honesty, says my hon. and learned Friend. I hope it is not so; because, if it is, there are a great many worthy gentlemen in a very disagreeable predicament. But I say it is no question of honesty. I hold that these changes have been forced by time upon the judgment of individuals. It is a question of necessary and legal improvement, and in bringing that question to the test of parliamentary discussion we are bringing it, not to a lower, but to a higher sanction, and that which has hitherto been an unauthorised licence we seek now to place upon the ground of law and regulated order.

I need hardly detain the House any further at this late hour, because I feel that we shall have ample opportunities for discussing the Bill in Committee. This is a Bill whose main provisions should be taken up and discussed one by one; and when we come to the Committee, I hope we shall be able to discuss satisfactorily all the important features of the measure. Therefore I shall say no more upon any of those points to which allusion has been made. I must, however, before sitting down, be allowed to express my satisfaction at finding, upon the whole, so general an acquiescence in what I shall call the real principles of this Bill, namely, the recognition of the necessity for parliamentary interference; the wisdom of using the instrumentality of a Commission for conducting and regulating that interference; the desirableness of making enabling powers available, and of putting those powers into the hands of the University and collegiate bodies; and the necessity, for the interests of the University itself, of providing that the Commissioners shall be armed with sufficient legal authority to give effect to the views of the Legislature, if, through the unhappy operation of disabling oaths, the colleges themselves do not furnish the means of doing so. These are the real principles upon which this Bill has been framed; and I am bound to admit that, so far as I have observed, no disposition has been shown to question the motives or the intentions with which the measure has been constructed. I venture to say, whatever else it may be, it will, above all things, be an emancipating measure. It emancipates the University from the influence of institutions which of itself it has no adequate power to correct, which came upon it from an extraneous source, and from which it is but fair that the power of the State should relieve it. It emancipates in like manner the colleges of fetters which they cannot of themselves undertake to break, bound as they are by conscience in many cases, and by strong social and personal influences in others. I think it is undeniable that this Bill, though it contemplated a great interference for the moment with the powers of the University and the privileges of the colleges, is not framed upon any principle of animosity to the University or colleges of Oxford. It is not a Bill which aims at maiming or fettering the University; on the contrary, it founds the government of the University upon that representative principle which we know from experience to be the source of almost immeasurable strength. It aims at enabling the University to provide for a want which it has never hitherto been in a condition to meet, thereby increasing the power and influence of Oxford, and deepening its hold upon the heart and mind of this great community. It proposes to make the endowments of Oxford really available for the purposes for which they were intended. I am sure my hon. and learned Friend or any one acquainted with the situation of Oxford, will not deny that at the present moment a large portion of those endowments are almost entirely dormant. I believe my hon. and learned Friend the Member for Plymouth (Mr. Roundell Palmer) will not deny that if we take the working of New College for the last half century, we shall find it to have been very unsatisfactory; and I am afraid the endowments of William of Wykeham are not applied in the manner in which they ought to be applied. That is the case, I do not hesitate to say, with the great mass of the endowments at Oxford. We are aware that at Oxford there are a great many men who work hard enough. I believe Oxford enjoys the respect of this House, because it is known that there is there an able and intelligent body of men, engaged day and night taxing their energies to the utmost in carrying on the work of learning and education. We do not want to increase the labours of these men; we want that all the arrangements of the University shall be made to yield those precious fruits which part of them yield at present. I will only add one more word, and that is with regard to the professorial system. In regard to that system, we would like to see it brought into a condition worthy of a University occupying the elevated position of Oxford. We do not believe that it would be possible for Parliament to organise a professoriate in the precise manner which is recommended in the Report of the Commissioners. I do not think a measure of that kind would be at all acceptable to Parliament. If we were to come down and ask an endowment of several thousands a year for thirty or forty professors—and you would no doubt get very able and learned men; but you must not place them under any restraint—you must not expect them to lecture too much, but must trust to the richness of the prizes to produce the necessary result—I think it would be an obvious answer to say, that if we constituted these professorships at the present moment, the next question will be, where are the gentlemen whom these professors are to teach? We cannot raise a large class to receive professorial instruction in a day. That must be a work of labour and of time. The professorial body must be organised by piecemeal and in detail; but, at the same time, I trust, that it will be organised thoroughly, and that it will be amply and adequately endowed. I believe the existence of such a body is eminently favourable to the pursuit of profound learning. We know that the present system at Oxford is not so favourable as we could wish to profound learning; but the first clause of this Bill has been so framed as to provide, in a circumspect and judicious manner, for the gradual organisation of an efficient professorial system; and I am sure, with the candid spirit which the House has shown without exception in regard to this Bill, and with the desire which I can truly say animated the Government, we shall be able to place Oxford in a better position than she has ever hitherto occupied. The present Bill is not so much a measure for curing an evil as for developing and extending what is good; and I am persuaded that, if carried, it will effect what will prove a permanent increase of the fame, of the strength, of the prosperity, and of the usefulness of Oxford.

MR. WALPOLE: Sir, I ought to apologise to the House for rising to address them at this late hour; but the speech of the right hon. Gentleman who has just sat down conveys so much of argument that is applicable and so many observations that are of importance to the University of Cambridge, that I, for one, being a member of that University, cannot even now consent that this discussion should close without pointing the attention of my right hon. Friend and of the Government to the very serious manner in which, as I think, the principles announced by my right hon. Friend makes this, not an enabling measure, but a Bill of unnecessary compulsion, uncalled for by the necessities of the case, and undemanded either on the part of the University or of the country. My right hon. Friend commenced his speech by stating that the principle of this Bill was applicable to the University of Cambridge, though he certainly said the measure to be applied to that University might be somewhat different in its details. At the end of his speech he tells us that the principles of the Bill comprise the necessary intervention of the Legislature—the appointment of Commissioners to direct and superintend the reforms of the University—that enabling powers should be given to the University and to the colleges to alter their Statutes if they think fit—and that still larger powers should be conferred on the Commissioners in case the University and the colleges do not agree to carry into effect the reforms contemplated in this Bill. Looking, then, at the Bill with these views, I say that this is, in point of fact, not an emancipatory measure, but a compulsory measure of the strongest description. It is true that by the charters, statutes, and oaths, imposed upon members of different colleges, there are impediments which require to be removed out of the way of those members, in order to enable them to work out and complete the requisite reforms; but is that a reason why you should impose other impediments in place of those you remove? is that a reason why, in knocking off one set of fetters, you should put others upon them? is that a reason why, in removing one set of barriers which prevent the members going in one direction, you should erect others which compel them to move in another and a contrary direction, and which absolutely prevent them from walking in that path which alone is prescribed by their Statutes and their oaths? Now, what is the power that you bring to bear upon the University and colleges? You bring to bear upon them the power of Parliament—the power of a body that is singularly ill-calculated to devise reforms of this description, imperfectly acquainted with the needs and requirements of those bodies, which can only be ascertained from local information, the power of a body which acts from impulse, and according as it is moved by party spirit operating upon it from time to time—the power of a body which is admirably adapted from its mixed constitution to lay down general rules for the government of the courts, but remarkably ill-adapted by the same constitution for prescribing a particular code of regulations to any particular society which can only be governed upon the spot and by those who know everything relating to its affairs—that is the power which you propose to bring to bear upon the Universities. And how does my right hon. Friend propose to apply his emancipatory process in the material parts of the Bill? I allude first of all to the point which he took first—the introduction into the University of licensed halls. With regard to them my right hon. Friend said that they were necessary for the extension of education in the University at large. But my right hon. Friend knows that these licensed halls, which are merely, after all, licensed lodging-houses—will not more extend the means of education than the system of extension which now exists in the University of Cambridge, where between 700 and 800 of the students attached to the different colleges reside in lodgings. These students, however, are attached to colleges, and not left at large, as my right hon. Friend now proposes according to his new system; a system, indeed, which, he truly says, prevailed 300 years ago, but which was then given up, because it was found to produce a sectarian and Puritan influence in the University. My right hon. Friend will find that his system, if introduced, will, as I firmly believe, break up the principles of salutary discipline on which the colleges are framed, namely, that the students should go together to the same lecture-room; that they should meet together in the same common hall; that they should worship together in the same chapel; and that, being constantly under the eyes of the same tutor, with the same influences operating upon all the young men so associated together, they might learn together the same discipline which they never would learn if they were left alone in separate halls. And the argument that is used for these licensed halls is the necessity that a poorer class of students should participate in the advantages of a University education. Sir, no one knows better than my right hon. Friend that, judging by the analogy of the public schools of this country, this advantage will not be conferred upon the poor, but it will be taken advantage of by the rich; it is the rich, and the rich alone, who have private tutors in our public schools, instead of being contented with the public tutors whom the schools provide. I say, therefore, in the first place, that this, instead of being an emancipating clause, is a compulsory clause for the University; and I say in the second place, that if the Universities were left to themselves, they are ready at this moment to admit students to reside out of college whenever there is no room for them, and therefore there is no necessity for the introduction of such a clause as the present, except perhaps for the better working of the professorial system which you are about to institute. The next part of the Bill which was noticed by my right hon. Friend was the interference with the endowments of particular founders. My right hon. Friend admitted that these particular endowments are held on particular conditions. And it ill becomes this House to step in and say that these conditions shall not only be broken, but that the property which is held for one purpose shall be applied to another and a different purpose. Yet this is what you propose to do in the present Bill. I agree, indeed, with those provisions of the Bill which are applicable to the next of kin. I think that the reasons given for the limitation of the benefit of those endowments to the lineal descendants, and not to the collateral descendants, except within the last 100 years, are sound, and for this plain reason, that if you extend the limitation further, you defeat instead of carrying out the intentions of the founder; because, in all cases of collateral descent, the advantage to be obtained from such endowments, must depend upon proof of such descent, and in that case those collateral descendants who are not fortunate enough to possess, or not rich enough to procure, the evidence of their pedigree are deprived of the advantages to which they would otherwise be entitled. But with regard to schools, this argument does not apply. I observed that my right hon. Friend in the course of his speech omitted all allusion to the case of schools, and I hope I may derive from that omission this consolation—that the expression of opinion by the House to-night in favour of the continued connection of schools with the University and with particular colleges will have its weight with the Government, and that that connection will not be broken up but that the provisions of the Bill in that respect will be altered. When the noble Lord the Member for London (Lord John Russell) first introduced this Bill I understood him to say that the public schools of the country would be left as they are at present connected with the colleges, and nothing excited greater surprise in my mind when I came to peruse the Bill than to see the complicated clauses which, under the plea of keeping up the connection between the schools and the colleges, do really break up that connection altogether, or make it depend, as in open scholarships, upon merit alone. My right hon. Friend has argued strongly against a preference for localities. He says, why should not Parliament interfere, and, for the benefit of the colleges themselves, alter the mode in which their property is held? I trust my right hon. Friend will consider well the principle upon which this argument proceeds. If he is to proceed upon the principle that the purposes of property may be altered whenever it may appear to be for the advantage of the community, then he will be placed in this difficulty, that upon the same ground and plea he may take away any corporate property whatever, and apply it to any national purposes whatever. The only principle upon which you should proceed in this case should be that which pervaded the whole system of our law, namely, the principle which allows the owners of property to resettle and redistribute that property after the lapse of a certain period. You cannot interfere with corporate property in any other way, or to any other extent, than with the property of individuals. This House could not come in and say to individuals, "You are applying your property in a way which we disapprove of, and therefore we will interfere." Let your Bill, then, be made an enabling one, and say to the colleges, "You shall have the power, as any individual has power with respect to his property, after a certain period of time, to vary the term upon which it shall be held, and the different conditions which, according to circumstances, it may be right to impose or fix upon. This you may safely do under those restrictions, but more than this is confiscation." Now, allow me to add a few words with respect to the professorial system. If there is one fault more than another connected with this system, it is that it destroys profundity of knowledge, while, on the other hand, the tutorial system is best adapted for the training and discipline of the youthful mind. No one can doubt that the great point of early education is the discipline of the mind, and this discipline can only be attained by habits of close reasoning and long study, and continuous thought; and such habits can never be produced under the professorial system of teaching, the effect of which was to fill the memory with large masses of vague, desultory, and undigested learning. Most cordially do I hope, that the professorial will be so regulated as not to interfere with the tutorial system. Upon the whole, then, I am fully convinced that all that you ought to attempt in this Bill would be the enactment of enabling or permissive powers. Commissioners should be appointed, not possessing controlling authority, but advising, superintending, and assisting powers. It should rest on the expediency of enlarging the powers of the University and colleges, for improving, extending, maintaining, and upholding their discipline, studies, and general good government, and it should proceed to enable such bodies to effect these great objects with the authority which Parliament alone can confer on them. You should then appoint a Hebdomadal Board, composed, however, in a very different manner from that which is now suggested. You should next proceed to the establishment of Congregation, not such as that which is now introduced, and which in practice would be nothing more than a mere debating society; you should then do away with the oaths which prevent them from making any changes, and declare in simple terms the "preferences" which ought still to be continued, and the terms upon which those "preferences" should be held. Having done that, I would simply enact that a general power should be given to the colleges to alter their Statutes or charters so as to adapt them to the circumstances of the times, but with the consent of their visitors, subject to the sanction of the Commissioners, and ultimately with the allowance and approbation of the Crown. If you were to do this, you would have simply an enabling Bill, and not a compulsory measure, and depend upon it, you can never reform the University satisfactorily unless you proceed in some such manner as this. By acting otherwise you would be establishing, as my right hon. Friend the Chancellor of the Exchequer described it about four years since, "an authority for wrong." The Universities have not been negligent. Cambridge had already done almost everything which was necessary to promote the best system of education in the whole of the colleges connected with that University. A Bill of the sort I have described would be more acceptable than the one now proposed, more in harmony with the institutions of the country, and better adapted to the general accomplishment of those objects of extended education which in order to be successful must be voluntary and progressive. Proceed in this way, and much good will be done; give to the colleges your trust and confidence, and do not say, as you seem to be saying, "We cannot give you our confidence, for the time has come when we must coerce and restrain you." Say rather to the Universities and colleges, "We will enable you to advance yourselves, self-governed, self-moved, acting freely by your own internal power, and that indwelling vigour and energy which alone can make reforms advantageous to yourselves, and to those whom you will have hereafter to educate." These are the views and these the objects with which I shall apply my mind to this Bill when we go into Committee, in the hope that we may give to the measure that character which alone can, in my opinion, make it an useful and effective measure for the accomplishment of the object for which it professes to be framed.

Lord JOHN RUSSELL: Sir, I did not expect, after the speech of my right hon. Friend the Chancellor of the Exchequer, that the debate would be further prolonged. But as the right hon. Gentleman who last addressed us has thought it necessary not only to comment on the provisions of the Bill, but to protest against its provisions and character altogether, I must endeavour, in a few sentences, to vindicate the measure which we have proposed. Let us recollect what was pointed out by an hon. Friend (Mr. Byng), who has spoken with so much ability for the first time, and whom I was delighted to hear deliver a speech of so much usefulness combined with so much temperance. My hon. Friend stated that, in the year 1837, the colleges of Oxford declared, by the mouth of the distinguished Chancellor whom they had the honour of seeing at their head, that they were then setting about plans of reform, and that they expected to make great progress with those plans. Parliament would, I have no doubt, have been delighted to hear that the only obstacles which Oxford had in the prosecution of its voluntary plans of reform were in certain restrictions, which, without the help of the Legislature, they could not overcome, and that, therefore, they had determined to apply to Parliament for the removal of those restrictions, in order that they might be able to carry out those reforms. I have no doubt that such powers would have been readily granted, and that by the year 1850 they would probably have had time to carry into effect all those excellent plans of improvement and reform which they contemplated. But this House is well aware that the course of the University has been totally different. When it appeared that the attention of the public and of Parliament slumbered, the zeal for reform grew slack, and we heard little or nothing of these great intentions. In the year 1850 a plan was adopted, very commendable in its way. I think it is not likely to produce such fruits as were expected from it, but still it showed a wish to improve at least in one part of that University. At the same time I thought it advisable that the Crown should issue a Commission of Inquiry. That Commission has produced a vast deal of information, and has shown that although the Hebdomadal Board and the authorities of the colleges were not stirring, yet that there were a great number of men of most active minds, of accomplished learning, and of very general information, who had occupied themselves with the reform of the University. It was said, however, when the Commission was first issued, that the information would be all on one side—that none but one party, who were zealous for reform, would produce their views before the Commission—and that, of course, Parliament would be imperfectly informed, if not entirely misinformed. However, I trusted that when that information was produced—when many persons came forward with voluntary zeal to give their evidence—that those who took a different view, and were against the plans proposed, would find it incumbent on them, in order to obtain the aid of public opinion on their side, to lay before the Commissioners the information which they possessed, and the views which they held. I was not disappointed in that expectation, and the Hebdomadal Board has given us a Report, and has produced most valuable evidence on the part of those who took a contrary view from the view taken by the Commission. We have received information from the Tutors' Asociation and other persons connected with the University. By these means we have been put in possession of a great deal of information of which Parliament was not before aware, and we have the evidence of enlightened men to which we can refer in our debates, who can supply any want of knowledge respecting Oxford which it was said the House of Commons did not possess. I will not at this late hour enter into the various points on which the right hon. Gentleman (Mr. Walpole) has touched, but I will say this at once—that, although the general outline of the plan for Cambridge may agree with the general plan of the Bill for Oxford, yet I certainly should not think it necessary servilely to copy the provisions of this Bill. For instance, Oxford entirely differs from Cambridge with reference to the first point he mentioned—the undergraduates living out of college. We propose the plan of private halls for Oxford—a plan that I believe will tend to the extension of the University in a very safe and gradual manner. The University of Cambridge has adopted the plan of allowing young men to live in private lodgings with the security of a licence from the college, and such other securities as they think proper to take, and as no less than 700 undergraduates are lodged in that manner, it would scarcely be necessary to propose the plan of private halls for Cambridge. This, however, I will say, that if any such plan had been adopted at Cambridge—if the plan of private halls had existed there, and we had proposed that young men should live in private lodgings, I can conceive the indignation which we should have brought upon ourselves, and we should have been charged with a want of discipline, and with instigating to immorality for sanctioning an untried system. The right hon. Gentleman, in his denunciation of the plan, has gone very far in his assertions. He has denied not the power, but the moral right of Parliament to interfere with corporate property, and deems its application as sacred as that of private property. I should have thought there was this great distinction between them—that whereas private property is settled on no other conditions than those of general compliance with the law and those duties which every loyal subject owes to the State, there are attached to corporate property certain implied or express conditions, and the Legislature of a country in whom power is lodged—whether in a despotic State it is lodged in the Monarch—whether in the United States it is lodged in the Congress—or whether in this country it is lodged in Lords and Commons—I have always thought that the supreme authority has a right to see that the ends of that corporate body are attained, and that that property is rendered beneficial to the public. The right hon. Gentleman speaks as if we had not acted on this principle. Why, Sir, what have we been doing of late years with regard to the property of the Church? Much of that property, no doubt, was granted for the benefit of a particular bishopric, or chapter, or benefice. But we have said that the great ends of the Church are to be looked to—that the instruction of the people in religion and in the doctrines of the Established Church was the end for which that Church was maintained—and that the diversion of property given to Canterbury or Durham, to Yorkshire or Lancashire, would better serve those ends if Parliament would sanction an application of the revenues to other places. This is nothing but acting on the principle on which a State always has the power to act. I was glad to hear from the hon. and learned Gentleman the Member for the University of Cambridge (Mr. Wigram) the admission of the principle that a change might take place when circumstances changed. The admission of that principle would cover a great deal more than this Bill proposes. Gentlemen talk of these institutions—of this property—as being so sacred that Parliament ought not to meddle with it. Now, without going into the case of particular colleges, let us see what was the general purpose, and what has been the general use, of these colleges. As far as I can see, they were generally intended, and wisely intended, according to the state of society at the time they were founded, in the first place to form a provision for a number of students, generally speaking of poor students, and persons who could not otherwise pay for their education, and who would not be able to provide themselves with sufficient maintenance. They were intended to give general instruction, in the University of Oxford, in divinity, moral philosophy, natural philosophy, the canon law, and logic. In the third place, they were intended very often to keep up the performance of religious services, among which masses for the souls of the dead were not uncommon. What do we find with respect to these things? Is there any one of these general conditions which is observed? So far from there being a number of fellows and students living in the University, and devoting themselves to the study of certain sciences and of books of learning, we find that a great number of the fellows are not resident in the University at all—that they are pursuing other studies—qualifying themselves for professions, or employing themselves in other occupations. Others, again, were engaged, not in studying for the benefit of their own minds, but as tutors in teaching in the University. With respect to the saying of masses for the dead, that has not only been neglected, but has been prohibited by Parliament. Indeed, as to the original conditions imposed by the founder, there is hardly a trace remaining of their actual practice or existence. These changes have been made according to the view of the Crown by the Laudian Statutes, and by the colleges with reference to the better usages to which the funds might be applied. I say, then, if there has been that change, and a change made by those of whom the founder was particularly jealous, namely, the recipients of his bequests, surely we have a right to say, "We will not oblige you to go back to the exact fulfilment of those original conditions; but you having entirely departed from those conditions, we, the Parliament, consider ourselves equally at liberty to depart from them also." We are doing this, because we believe the general object of the founder was the promotion of religion and sound learning; and we believe the cause of religion and sound learning will be promoted by such a measure as the one now before the House. With respect to an enabling Bill, such as has been referred to by the right hon. Gentleman (Mr. Walpole), to give the University and colleges of Oxford power to reform their own institutions, I should think such a measure would be inadequate to such a state of things. I should say there had been no general disposition shown to induce us to admit the long delay which would be sure to follow the adoption of any such plan. I cannot, therefore, join in the recommendation of such a measure. While the right hon. Gentleman has thus spoken against the Bill on the side of its going too far, some hon. Gentlemen, especially the hon. Member for Newcastle-on-Tyne (Mr. Blackett), have complained that it does not fulfil all the objects which the Royal Commissioners had in view. My belief is, that this measure does, in its main provisions, comply with the objects which the Commission had in view. I stated last year that these objects were, in the first place, the extension of the University; in the next, the alteration and improvement of the governing body; in the third place, the endeavour to apply some of the revenues to the general instruction in the University; and, in the fourth place, the removal of those restrictions which gave preferences to particular studies. Undoubtedly many observations have been addressed to the House in the course of this debate, which are well worthy our consideration; and, without saying that the clauses of the Bill may not be defended as they are, I think the Government is bound to take into consideration all the suggestions of the Commission. To any suggestions with the view to the improvement of this Bill, come from which quarter they may, the Government will be most ready to listen. I consider this is a question of national importance; and if those who pay attention to the subject will devote their minds to a calm consideration of the different clauses of the Bill, I believe that, instead of destroying, as it is said we mean to destroy, the real foundations of the University of Oxford, or that excellent collegiate instruction which has been hitherto given in that University, we shall, on the contrary, superadd to the present worth of that University by a more expanded and extended instruction, in conformity with the science of the age; that we shall be able to give to a greater number of persons than at present enjoy it the benefit of that instruction, and that the nation at large will for a long period derive advantage from this improvement of one of its greatest educational institutions.

Question put and *agreed to*:—Bill read 2°.

The House adjourned at Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 10, 1854.

MINUTES.] PUBLIC BILLS.—1^a Conveyance of Real Property Act Amendment.
2^a Income Tax; Chimney Sweepers.

THE BRITISH MINISTER AT ST. PETERSBURG.

DETENTION OF THE PROPERTY—QUESTION.

LORD LYNDHURST: I wish to call the attention of Her Majesty's Government to a report which has been in circulation for the last few days, to the effect that the Russian Government or authorities have seized the property of our late able and most excellent Minister at St. Petersburg. I hope there is no foundation whatever for that report. If it should turn out to be true, the act is such a gross violation of the admitted law of nations, that Russia must be excluded from the class of civilised States. I hope Her Majesty's Government will be able to afford some explanation on the subject.

THE MARQUESS OF LANSDOWNE: In the absence of my noble Friend the Secretary for Foreign Affairs, I can only say, that while I entirely concur in the expressions of the noble and learned Lord with respect to the character of the proceedings he has alluded to, if any such have taken place, my noble Friend at the head of Foreign Affairs has received no information upon the subject, and therefore Her Majesty's Government at present can give no explanation.

LORD LYNDHURST said, he understood that Sir George Seymour had himself given some intimation of the facts, to which he (Lord Lyndhurst) had alluded, to a noble Lord a Member of that House.

THE MARQUESS OF LANSDOWNE: I have no doubt it is possible Sir George Seymour may have made some such intimation. I only stated that no communication upon the subject had been made to Her Majesty's Government.

CONVEYANCE OF REAL PROPERTY ACT AMENDMENT BILL.

LORD BROUGHAM, in *presenting* a Bill to amend certain of the provisions of an Act made in the 8th and 9th year of Her present Majesty, intituled "An Act to facilitate the Conveyance of Real Property," said, its object was to simplify some of the proceedings, especially with reference to the taxing of costs. He thought that it was necessary that the learning and skill of the persons engaged in drawing the necessary deeds should be taken into consideration rather than that the taxing master should be guided entirely by the length of the documents. It was a subject upon which he had bestowed much time and attention, and he had no doubt that the change which he proposed would be effective. He believed that the taxing masters who originally had an objection to the measure had entirely changed their opinions, and now looked upon it with great favour.

Lord CAMPBELL said, if the Bill of the noble and learned Lord tended to shorten the numerous documents connected with the conveyance of real property, it would confer one of the greatest benefits that had ever been conferred upon the public, for it was mainly from the length of its proceedings that so much reproach had been cast upon the administration of the law. Still, he thought the difficulty of the subject was very great, for it would be impossible to lay down any certain criterion as to the skill and learning of the parties engaged in drawing deeds with a view to fixing a scale of remuneration. He thought if there were a high officer vested with sound discretion, who was to determine questions of this nature, it would be an unspeakable advantage.

Lord BROUGHAM quite agreed with his noble and learned Friend that the subject was a difficult one, and that the attempt to establish any fixed criterion would be liable to great objection; he was aware that the matter must be left more or less in the discretion of the taxing officer; but what he wanted was that that officer's attention should be called to the skill and learning of the drawer of the deeds, as well as to the length of the documents themselves, with respect to apportioning the remuneration.

The LORD CHANCELLOR said, he should offer no opposition to the Bill of the noble and learned Lord being laid upon the table, but he must express some doubt as to whether it would effect the object intended. He had been in communication with the taxing masters on the subject more than once, with the view of devising some satisfactory mode of proceeding. The great difficulty would be to determine the relative amount of the skill and ability displayed in each particular instance, and it would be a very delicate matter to express any judgment upon such a question.

Bill read 1ª.

PARLIAMENTARY PAPERS—QUESTION.

Lord CAMPBELL begged to put a question to Her Majesty's Government upon a very important subject. For many years he had much lamented that there were no means by which Her Majesty's subjects could get access to the papers which were ordered by their Lordships' House to be printed. In the other House of Parliament great benefit had arisen from the facility which was given to the public to obtain papers on almost every subject, and, although their Lordships sent copies of papers ordered by the House, of great public importance, to a few favoured establishments, such as public libraries, private individuals could obtain no access to them at all. Serious inconvenience had sometimes arisen with respect to Bills, inasmuch as those Bills often affected the interests of large classes, and the public had no means of obtaining a knowledge of them until it was too late to take any steps. Their Lordships must themselves have been often put to great inconvenience by numerous applications for copies of Bills which were not attainable except through them, and he had recently had many such applications with respect to a Bill of great importance which he had laid upon the table. He had received many such requests already in reference to a Bill of which he had given notice already the other night, having reference to unauthorised negotiations by British subjects with Foreign Powers. In this case he was able to comply; but even then, after he or any of their Lordships had done thus much, there would probably be many interested in their papers who would never have thought of making such application. He had at various periods brought the subject before the attention of successive Governments; but there had always been a strong prejudice in that House against publishing their public papers. That course, however, had been adopted by the other House, and great care and caution had been exercised in the selection of those papers, so that no person could have reason to complain that the national interest was injured by the publication of the papers authorised to be printed by that House, and he was sure that still greater care and caution would be used in selecting the papers ordered by the House of Lords. He thought that the best mode that could be adopted would be to allow copies of all such papers as it was desirable to have published, to be supplied to the public at such a cost as would just cover the printing, &c. The question he wished to put was, whether the Government had any measure to propose on the subject, and, if so, at what period of the Session it would be brought before the House?

Earl GRANVILLE said, he so thoroughly agreed in what had fallen from the noble and learned Lord that he had intended bringing the matter under the consideration of the House; and the only reason why he had postponed doing so was because he did not know when the noble and learned Lord would be in his place. He proposed to bring the matter under the consideration of the House very soon after the Easter holidays.

The Earl of ELLENBOROUGH: I hope when the noble Earl the President of the Council takes into his consideration the subject of affording the public a more convenient access to your Lordships' papers, that he will also take into his consideration the necessity of providing for a very careful selection, so that those documents which are not of public interest shall not be printed, and thus diminish the enormous quantity which is already printed. I have no hesitation in saying, that the increase of late years in the expense of printing for this House is most monstrous; I will even add, most scandalous; and at this time, when we have the utmost necessity for all the money we can save, I trust that Her Majesty's Government and this House will oppose the printing of all matters not of real importance or interest to the country.

Earl GRANVILLE perfectly agreed with the noble Earl in the remarks he had made. Of course, the Government felt the greatest disinclination to refuse information asked for by the House, even when they thought that information not to be of the most valuable kind; but certainly it was the duty of the Government not to increase the expense by printing useless matter. Some arrangements, he thought, might be made by which the information conveyed in one paper should not be reproduced in another form, as was frequently the case at present, thereby increasing the expense of printing.

The LORD CHANCELLOR thought the suggestion of the noble Earl was an excellent one. The reproduction alluded to was almost a necessary consequence of the great amount of papers that were ordered. There was such a mass of matter printed that no Peer or Member of Parliament read or pretended to read it. Seeing that it was a thing which no human strength could accomplish, the papers were naturally thrown aside and disregarded. He believed if only the fiftieth part of the matter which was at present printed were laid before them in a clear and well-digested form, very much more information would be conveyed to their minds than at present, and noble Lords would have some chance of making themselves acquainted with it.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 10, 1854.

Minutes.] Public Bill.—2° Boundary Survey (Ireland).

THE INDIAN BUDGET.—QUESTION.

Mr. HUME said, he begged to ask the right hon. Gentleman the President of the Board of Control at what period he intended to submit the annual Budget for India, and whether, previous to doing so, he intended to lay before the House any documents or accounts which would assist it in its consideration of the subject?

Sir CHARLES WOOD said, his hon. Friend would be aware that by Act of Parliament the Indian accounts were laid on the table of the House about the middle of May. The statement which he (Sir C. Wood) must make for any recent period must therefore be based upon those accounts, which would not be laid on the table of the House until that time, and would probably not be in the hands of Members until some days afterwards. More than this, they were now carrying on a considerable financial operation in the reduction of the 5 per cent to the 4 per cent debt, which would not be concluded until the 30th of April. Of course, it would enable him to make a more satisfactory statement to the House if he could announce the nature and result of that operation; and he thought, therefore, it would not be possible for him to make any statement before early in the month of June, when he could inform the House of the result of that very large and, he hoped, satisfactory financial operation.

Mr. BRIGHT said, that something had been said last year, when the India Committee was sitting, about placing the East India accounts upon a different footing. A gentleman who was a great authority upon the subject recommended that this course should be taken, while others stated that it was unnecessary, and that nothing could be more admirable than the accounts as they were now managed. At the same time the House had not before it now the accounts for a later period than 1852. What he wished to ask was, whether, seeing that a man could go in a month from India to this country, it was not possible for the House to have before it during every Session the Indian accounts up to the December preceding—that is, that the accounts for 1853 should be laid upon the table of the House during the Session of

1854? The right hon. Gentleman would see that if the House only got the accounts for three years back, and a sketch estimate of which nobody could make anything, it was as bad as having no statement at all. He would ask, therefore, whether the accounts could not be laid before the House for a much more recent period in future?

SIR CHARLES WOOD said, the Indian accounts had always been made up on the 30th of April, so that those which were brought before the House were the accounts of the preceding April. The accounts of the different presidencies were not kept on the same principle and in the same manner as they were here, but he had had a model system drawn out in a very different and, as far as he could judge, more satisfactory manner. This he proposed to submit to the accountant of the Treasury, and to other parties, but, until he had got the plan into proper shape and had sent it out to India for consideration, he could not promise his hon. Friend that the accounts would be brought up to a more recent date than at present.

MR. BRIGHT said, this was quite satisfactory. It was enough to know that the attention of the right hon. Gentleman was directed to the subject.

THE NEWFOUNDLAND HOUSE OF ASSEMBLY—QUESTION.

SIR JOHN PAKINGTON said, he begged to ask the hon. Under Secretary for the Colonies whether it was true that the House of Assembly of Newfoundland had lately refused to proceed with business unless responsible government was conceded to that Colony; and whether Her Majesty's Ministers had consented to establish responsible government in Newfoundland, and, if so, upon what conditions?

MR. FREDERICK PEEL said, it was the case that the Assembly of Newfoundland, at the commencement of its present Session, had passed a Resolution that they would not do any business with the Council until the decision of the Government with regard to an application from the Assembly, made last year, praying for freer institutions, was made known. In the meanwhile, before the Government were aware of the course taken by the Assembly, they had forwarded a despatch to the Colony, intimating their readiness to concede a system of responsible government to Newfoundland so soon as certain conditions were complied with. Those conditions were, that the holders of existing offices rendered liable to displacement should be indemnified; that the number of members of the Assembly should be raised from fifteen to thirty, not by doubling the number of representatives of the different districts, but by a subdivision of those districts; and, lastly, that the salaries of members, and the expenses of candidates at elections, should not be paid out of the colonial treasury; but, if paid at all, should be paid by local assessment of the different districts.

COLONIAL CLERGY DISABILITIES BILL.

Order for Committee read; House in Committee.

Clause 1 (Indemnity to the Clergy attending Meetings for regulating Ecclesiastical affairs).

MR. DUNLOP said, he begged to move, as an Amendment, to leave out the words, "Metropolitan of any Province, or the Bishop of any diocese," and insert instead, the words "Bishops and Clergy." He thought the words in the clause which he wished to expunge were unnecessary for the attainment of the ostensible object of the measure; whilst he was afraid that their retention would have the effect of giving to the Churches in the Colonies, which were in communion with the Church of England, the character and status which the Established Church possessed at home. Now, he (Mr. Dunlop) was not aware of any authority by which it could be held that the Church of England was established in the Colonies; and the hon. and learned Solicitor General did not venture to call the Colonial Church the Church of England in the Colonies, but described them as the clergy, bishops, and laity in the Colonies, who were in communion with the Established Church in this country. The Presbyterian Church in the Colonies was not a part of the Church of Scotland, because the latter Church could not extend its character or status beyond the realm in which it was established; and so he contended it was with the Church of England in the Colonies. The Church of Scotland was in communication with the Presbyterians in the Colonies, and it acknowledged their orders, but it received no appeals from them, and did not attempt to regulate their proceedings. The Colonial Churches were, therefore, entirely separate organisations. The object of his Amendment was to prevent this Bill from conferring a status which did not now legally exist, and it followed substantially the language which the hon. and learned Solicitor General had used to define the position of the Church in the colonies. If a diocese or a province, with all their legal incidents and effects, could not be created in England without the authority of an Act of Parliament, he doubted whether the mere act of the Crown could establish a diocese with its legal consequences in a colony possessed of a local Legislature. In 1852 an Act was passed by the Legislature of Canada, asserting the fundamental principle that all religious communities should be upon an equal footing; and the effect of a measure like the present, with words such as those he proposed to strike out, was therefore likely to give rise to collision with the Colonial Legislature. At all events, these words would be calculated to excite heartburning and jealousy between the different sects into which colonial communities were divided, on account of the superior status which they would be considered to give to one Church over its rivals.

Amendment proposed, in page 2, line 2, to leave out the words "Metropolitan of any Province, or the Bishop of any Diocese," and insert the words "Bishops and Clergy," instead thereof.

Mr. ELLICE said, he should support the Amendment, because he considered that this Bill, so far from promoting the interests of the Church of England in the Colonies, would, he believed, have just the contrary effect. He could not conceive the use of this Bill. If there was any Statute which interfered directly with the power of any Colonial Church, whether in communion with the Church of England or any other body, to regulate its own affairs, the simplest course would be to repeal the Statute, and then the House would know what it was about; but he had seen the results, half a century ago, of attempting to set up the Church of England in an exceptional position in the Colonies; and this convinced him of the impolicy of any such legislation as this, with the view of extending the influence of the Church in the Colonies. He (Mr. Ellice) was travelling in Upper Canada at the time when a bishop was first sent out from England, calling himself "My Lord," and claiming precedence, and such was the jealousy excited, that the Legislature of the province resolved, by a vote of thirty-six to four, that the Church of England, as by law established in the mother country, was not the religion of the majority of the people of Canada. It was the tendency of all interference of this kind to produce discontented feelings. The Church of England and its bishops and clergy were very popular and much respected in the United States of America, where they had no Acts like this passed in their behalf. Every year some Bill of this description was introduced into that House; and it was absolutely necessary that those who really had a regard for the Church of England, and wished her to flourish, should endeavour entirely to remove her from the legislation of that House. He did not see the use of the present Bill, in fact he could not quite understand it; and in Canada, for instance, they did not know but that, if this Bill passed, some particular congregation might not meet and seek to alter a part of our canon law. If Convocation sat, it was impossible to foresee what it might or might not do. It was said that the Church in the Colonies only wished to have restrictions removed which prevented it from doing what other sects could do; but the answer to that was, place the Church of England on an equal footing with the other Churches in the Colonies, and it would not require any more assistance from the Legislature than those other Churches did. Again, the Episcopalian Church in Scotland did not come to Parliament for leave to meet in synod, and he could not see why the Church in the Colonies could not be placed in the same position as that Church. He wished more particularly to call the attention of the Government to the following point. When bishops were created for the Colonies, we were apt to call them in their patents by the title of "Lord Bishop." Now, bishops of the Church of England might have every honour conferred on them that did not raise them above their real status in the Colonies; but he objected to bishops setting themselves up as lords and barons in the Colonies; thus exciting the jealousies and ill-feeling that had been already alluded to. In an old country like this, with our ancient constitution, a bishop was a baron of Parliament; but in the Colonies we did not give him the civil rights appertaining to his rank in England; and it was unwise, therefore, to give a mere title, which not only created jealousy, but caused its bearer to be treated with disrespect. The simple remedy, therefore, in this case should be to repeal the Statute of Henry VIII., as far as the Church in the Colonies was concerned.

Mr. HUME said, he thought the simple

mode of dealing with the matter would be to repeal any Act that was calculated to inflict a grievance upon the Colonists. Let them look to what had taken place in Canada; and were they, he asked, about to create in the other Colonies the same grounds of discontent that had formerly existed in that colony? What could be more monstrous than to see a bishop going to Hong-Kong, with only about twenty English inhabitants, and the bishop could not go on board the ship without a salute of seven guns? That was only one of the inconveniences; but the inconvenience which arose from preventing the Colonists from managing their own affairs was what he objected to. They were giving them the rights of self-government, and they should, therefore, let them manage their own Church, as well as their own affairs.

THE SOLICITOR GENERAL said, he would remind hon. Members that they were then in Committee, and had consequently assented to the principle of the Bill, and, therefore, the objections of his right hon. Friend the Member for Coventry (Mr. Ellice), or of the hon. Member for Montrose (Mr. Hume), had no longer in strictness any application. But he was not sorry to have heard the arguments of the last two Gentlemen who addressed the House, for he was sure that their own arguments were favourable to the Bill instead of being against it. He agreed with the hon. Member for Montrose that the object of the Bill should be to give to the colonists the power of regulating their own ecclesiastical affairs, to leave them liberty of action, give them freedom from restraint, and allow them to develope their own ecclesiastical policy after their own will. The Act of Henry VIII. accomplished a variety of objects, and that Act was most necessary to be retained, in order to preserve the supremacy of the Crown. The Act of Henry VIII. prohibited any Convention of Churchmen without the previous Royal licence to meet. It prohibited the Convention, even if allowed to meet, from discussing any new canon or ordinance of the Church without the authority of the Crown; and it further went on to say that no ordinance or canon should be altered in a way that would be contrary to the common or canon law; but by the proposition that was now made that could be done in the colony. By repealing the Act they would give to the clergy of the colony a right of synodical action, and of making ordinances which might be utterly subversive of, and at variance with, their recognised relations with the Church of England and Ireland. The Colonial Church was the Church of England and Ireland, and his hon. and learned Friend (Mr. Dunlop), who had moved the Amendment, fell into a mistake in supposing that that Church had any title or designation which marked it as being independent of the Church of England and Ireland. The first bishopric established in India was established on the principle of maintaining the Church of England and Ireland in that country. By the 6th of *Geo.* IV. another colonial bishopric was founded, and it was expressly denominated as being a bishopric of the United Church of England and Ireland. With regard to saluting a bishop when embarking or disembarking, to which the hon. Member for Montrose had referred, that, he submitted, was a matter which had reference to naval rather than to ecclesiastical matters. He begged the right hon. Gentleman (Mr. Ellice) to observe, that it would not be competent by any Bill of that House to repeal the Statute of Henry VIII. with respect to the Colonies, without cutting the Colonial Church altogether adrift. Did they mean to say that they would sever it from its connection with this country? Did they mean to say they would by a breath alter the whole of the Statute, and give it a perfectly different status and character? It was an emanation of the Church of England, and was established as part of it, in connection with the Crown; and were they going to alter that? That was a large question, and let hon. Gentlemen if they pleased bring it forward; but this Bill proceeded on the established state of the law, and could not by any possibility introduce any object so general, wide, and universal as that which appeared to be in the mind of the right hon. Gentleman. He (the Solicitor General) asked to leave the Colonial Church in all its integrity as part of the United Church of England and Ireland. He desired to leave it in connection with the Crown, and to leave the supremacy of the Crown intact in respect to that Church, and he believed that also to be the desire of the bishops and clergy of the several Colonial Churches. He had taken pains to ascertain the feeling on the subject. The feelings of the members of the Church of England and Ireland in Canada (if he might take the representations of their opinions from a distinguished gentleman lately resident in this country) were quite at variance with the views and opinions of the right hon. Gentleman the Member for Coventry. It was necessary to apply a remedy that would relieve the Colonial Church from embarrassment and injury, and leave her a free agent. With regard to the Amendment of the hon. and learned Member for Greenock, it was nothing more than an inconvenient and inappropriate change of language, and would in itself make no alteration at all in the effect of the Bill. The object of the Amendment was not to strike out the word "metropolitan," and introduce the words "bishops and clergy," but to introduce those two denominations with the following words: "of Churches in communion with the United Church of England and Ireland," which would be simple nonsense. The comparison of the Scotch Episcopal Church with the Colonial Church was a misapprehension. The Scotch Episcopal Church was no part of the Church of England and Ireland, but it was that forced analogy which had led his hon. and learned Friend into many of the observations which were contained in his introductory remarks. He thought the Committee should be perfectly satisfied if they remembered the short history he had given of the establishment of the colonial bishoprics. They must be perfectly convinced that the present status and constitution of ecclesiastical matters in the Colonies were, that they had bishops who ranked as bishops of the United Church of England and Ireland in all spiritual and ecclesiastical matters, although he quite agreed with his right hon. Friend that they had no legal title whatever to the denomination of "my Lord." He earnestly entreated of the Committee to observe to what extent it was necessary to interfere, and to what extent it was not necessary to interfere on the present occasion. They desired to interfere to put the members of the Colonial Church on the same footing with the other religious denominations in the Colonies, and not to give them any superiority of rank or position. They desired no more; they wanted no power of synodical action, or that they might be relieved from the supremacy of the Crown; and if they repealed the Statute they would do a great deal more than was necessary.

Sir JOHN PAKINGTON said, he quite agreed with the hon. and learned Gentleman the Solicitor General that this was not the right moment to revive a discussion on the principle of the Bill, and that it would be much better to confine themselves to the Amendment before the Committee. He would take the liberty of pointing out to the right hon. Gentleman (Mr. Ellice) that he had omitted one element of the question, which was all-important, namely, what were the feelings and wishes of the Colonists themselves on this subject. The right hon. Gentleman did not touch upon those important points. He (Sir J. Pakington) had always viewed these Bills with great jealousy and distrust, and to this Bill he had only given a qualified assent, being at the same time prepared to move Amendments which had reference to important questions. And why did he do this? For this reason—that the Colonists themselves—and in using the term Colonists he meant the brethren of the Church of England in the Colonies, but not the Colonists at large—loudly demanded some such a Bill. They did not want independence of the Church of England. They considered themselves members of the United Church of England and Ireland, and they wished to remain so. He would undertake to show that the right hon. Gentleman had fallen into a fallacy by drawing an analogy between the Episcopal Church in America and the present question. The hon. and learned Gentleman the Solicitor General had fallen into a similar error in reference to the Episcopal Church of Scotland. The Episcopal Church of Scotland was an independent body. The Episcopal Church of America was also an independent body; but the members of the United Churches of England and Ireland were not an independent body, and did not desire to be so. The right hon. Gentleman had lost sight of that point, and at the proper time he would show, by referring to the words of the Colonists themselves, what their real and anxious desire was on the subject.

Sir GEORGE GREY said, he thought the more they discussed the question, the more it appeared to him that they were legislating in the dark. He hoped the hon. and learned Gentleman the Solicitor General would favour the Committee with some distinct statement of the disability the Bill was to remedy. If that disability or restriction was to be found in the Act of Henry VIII. or Queen Elizabeth, then the proper and safe course was to repeal so much of these Acts as opposed obstacles which ought to be removed so far as the Colonies were concerned. He disapproved of giving power by a vague enactment, which some said would have no effect, and others that it would have more effect than was intended.

He did not think the Amendment proposed touched the principle of the Bill. The effect of the proposed arrangement was to preserve to the Colonial Church all the advantages of the Established Church, and to give them all the advantages enjoyed by the Independents. It was, in fact, only to put the Established Church in the colony on the same footing as all other Christian denominations. This was to be effected without in the least severing the connection with the Church in this country, or touching on the communion which existed between the Colonial Church and the United Church.

Mr. ADDERLEY said, he thought the effect would be totally different to that described by the right hon. Gentleman (Sir G. Grey). The Colonial Church would have all the disadvantages, and none of the advantages, by the proposed legislation. At present the Colonial Church could not regulate its internal affairs, and this was the only Church in the colony that was deprived of that power. Was that no grievance? For what did they sit in that House, if they did not sit there to redress what he must consider to be one of the greatest possible grievances? As far as the Bill went he considered it was a good Bill. Some wished it went further, and he agreed with them, provided in so doing they still retained a healthy connection and intercourse between the Colonial Church and the Church of England at home. He hoped the right hon. Member for Coventry would not oppose the Bill, because it did not go far enough in his opinion. He did not see what possible objection the hon. and learned Solicitor General could have to a more simple and intelligible enactment. Why not have a Bill to say that so much of the Statute of Henry VIII. be repealed as related to the colonial clergy? He did not think the Amendment was calculated to attain the object of its framer.

Mr. R. PHILLIMORE said, that the Amendment proposed by the hon. and learned Member for Greenock would cause great uncertainty and confusion. It was to be observed that the colonial patents conferred no territorial jurisdiction. The Church of England in the Colonies was not an established Church, its legal position being that the Crown nominated a bishop who was consecrated in this country, so that a spiritual connection remained, but no civil prerogatives. The Church in the Colonies, moreover, was supported by voluntary contributions, and therefore he did not see who in the Colonies it concerned to interfere in the matter, except the members of the Church of England in the Colonies. At present the Church in the Colonies had all the disadvantages of a Free Church, without the power of regulating its own religious affairs, and the Bill really did no more than to put our colonial brethren on as advantageous a footing as the other religious denominations, and had, he believed, no covert intention whatever.

Mr. NAPIER said, he had great doubts whether he understood the exact object of this Bill, and more particularly after the speech of the hon. and learned Solicitor General. His anxiety was to preserve the Colonial Church as an integral part of the United Church of England and Ireland. Now, if he rightly understood this Bill, it would tend to dissever that connection. All the Statutes with reference to this subject said that the doctrines and discipline of this Church were inviolable; but this Bill proposed to get rid, not only of the provisions of the Statute of Henry VIII., but of all other usages and laws, in so far as they controlled the assembling of the clergy. He wished, however, to know whether, by the common law, any part of the Church of England and Ireland could meet to make regulations or canons without Royal licence? Certainly they could not in Ireland, although the Statute of Henry VIII. did not extend to that country. Again, by this Bill it was not required that the Crown should confirm any of the canons made by the Colonial Churches, although it had hitherto always been understood that the confirmation of the Crown was necessary to the validity of a canon, and although this was absolutely necessary, in order to prevent any Church authority obtaining the ascendancy over the civil power. If, however, the confirmation of the Crown would still be necessary, he wished to know what effect this would have upon the canons and regulations that were made in these meetings of the colonial clergy and laity. It was said that the object of this Bill was to put the Church on the same footing as other religious denominations. Now, on that point he would refer to what fell from the hon. and learned Gentleman the Solicitor General, with respect to the Bill of 1852; he said:—

> "The clause enacted—'And no such regulation shall in virtue of this Act be held to have any other legal force or effect than the regulations,

laws, or usages of other churches or religious communions in the said colonies.' If, then, the interpretation which he had given of the present state of the law, respecting other religious communities were correct, this clause would make all the ordinances passed by the bishop, clergy, and laity ineffectual; because other religious communities could only deal with their members personally when they violated the trusts on which their places of worship were held; but this would not be applicable to members of the Church of England in the Colonies, on whom it was intended that the ordinances should operate personally. There was no law against members of the Church of England meeting together and declaring a trust with respect to any property given to a colonial church by such members; and then their rules and regulations might be carried into effect in the same way as any rules and regulations that had been made with respect to the property of Dissenters, without the necessity of an Act of Parliament. He would now take the liberty of pointing out to the House the manner in which this Bill, if it should pass into a law, would violate the supremacy of the Crown. It was apparent that the scope of the Bill was to empower the bishop, clergy, and laity, to make any regulations which they might deem necessary for the better conduct of their ecclesiastical affairs; and although the seventh clause provided that no such regulation should authorise the bishop to institute a party to any clerical office, except upon such person having immediately before taken the oath of allegiance to Her Majesty, and having likewise subscribed the Thirty-nine Articles, and having furthermore declared his unfeigned assent and consent to the Book of Common Prayer, yet he wished to point out to the House that the power to make such regulations must carry with it the power of enforcing them; and, therefore, it would involve the erection of some tribunal and some authority to which all branches of such regulations should be referred, and by which every question of doubt would have to be decided. And he begged to ask the hon. Gentleman, who had accused the right hon. Baronet the Secretary of State of misrepresentation, how he could say that an ecclesiastical and spiritual court, arising out of ordinances made by mutual consent, but deriving their force and binding power from an Act of the Imperial Parliament, was not an infringement of the supremacy of the Crown?"—[3 *Hansard*, cxxi. 783.]

According, therefore, to the hon. and learned Solicitor General, the provisions of the Bill would either be ineffectual or improper, while they tended to sanction a violation of the supremacy of the Crown. He (Mr. Napier) was quite ready to agree to a declaratory enactment that the Act of Henry VIII. did not bind the Colonies, if any doubt existed on the subject, though he had certainly never heard any lawyer insist that in his opinion that Act did extend to the Colonies. But by the common law the Queen's supremacy over the United Church of England and Ireland, with which they were then dealing, extended to the Colonies. Now, what made a Church? Doctrine, discipline, and government; and he must object to the present Bill, because they were at present in the dark as to the amount of interference with these which this Bill would sanction. According to Bishop Butler, what the Colonial Church wanted was not any temporal power on the part of the bishops, or any coercive power over the laity, but a power to enforce discipline according to the laws of the Church of England upon priests in holy orders. The Colonial Church ought not, however, to obtain the power to make laws upon these points; for if they did in each diocese, there would be not one united Church as at present, but many Churches. That was not wise; for the Church was not to be moulded and modified according to the wishes of the people in every district; it had its fixed standard of doctrine and discipline, and went forth as a missionary Church, with its established principles and fixed procedure. But it had no tribunals in the Colonies to enforce discipline, and the result was that the bishop was despotic. This was an evil for which a proper remedy was required, but none such was provided by this Bill.

Mr. HENLEY said, that the Amendment of the hon. and learned Member (Mr. Dunlop) raised the question whether they were to treat the Church in the Colonies as an integral part of the Church of the kingdom, or whether they were to treat it as forming an Episcopal Church in communion with our Church. He thought they should treat it as it was, as part and parcel of the United Church of England and Ireland; and that they should, therefore, not adopt the Amendment, which would alter its whole status. With respect to the Bill as a whole, he must confess that, although he had looked at it with the greatest care and attention, he did not understand it. The hon. and learned Solicitor General told the Committee that they should not repeal the Act of Henry VIII., because it was desirable to keep some part of it. But if that was the case, he did not see why they should not repeal, as to the Colonies, those parts of it which it was not desirable to retain. The hon. and learned Solicitor General said that these meetings in the Colonies were not to make any canons, or anything of that sort, and for that purpose it was that the Act of Henry VIII. was to be preserved. But in that case it would be necessary to have some explanations with respect to the meaning of the words, "regulations, agreements, and arrangements," in the subsequent part of the Bill. The preamble and the enacting part of the Bill only exempted the parties who were to meet from the penalties of the Act of Henry VIII., provided they had a lay element amongst them. But what kind of a meeting it was to be, whether the whole of the lay members of the Church of England in a colony were to meet, or how many of them were to be members of any assembly, was not specified; and there also were other points on which he thought the Committee should have explanations. This clause, however, was a proof that while professing to give to the Church the same religious liberty which was enjoyed by other bodies, this Bill would prevent their exercising it in a manner in which it was possible they might wish to do. Suppose they wished to entrust the legislation on church matters entirely to the bishops and clergy, this Bill would prevent them doing so. In conclusion, he begged to state that it was his intention to vote against the Amendment, because it would change the whole position of the Church in the Colony by a side-wind.

MR. WALPOLE said, he thought that, in order to understand the Bill, or any measure on the subject, they must bring a willing mind to the consideration of its provisions. He thought he could show that there were great practical grievances pressing on the members of the Colonial Church in connection with the Church of this country, and that the best way of dealing with those practical grievances was by some such Bill as that now before them, with, perhaps, certain alterations which would make its scope perfectly clear. The Committee must recollect that every person who went from this country to the Colonies carried with him the laws of this country, so far as they could be made applicable to him in the colony to which he goes. Therefore, any members, or set of members, going to a colony—to New South Wales, for instance—carried with them, in matters of religion, the laws of this country so far as they were applicable to the colony, and they had no escape from the consequences of these laws except by the Imperial or the Colonial Legislature relieving them from them. Now, if hon. Members had read the papers which had been produced on ecclesiastical jurisdiction in the Colonies, they would find that members of the Church of England in the Colonies had very serious practical grievances to complain of. The clergy in the Colonies were paid chiefly by salaries coming from the civil authorities. The clergy acted under a licence from the bishop, and the bishop had an autocratical power of revoking that licence when he pleased. In the case, for instance, of Mr. Whitmore, who had been several times insolvent, the bishop revoked his licence. The practice was, on the bishop's revoking a licence, to communicate the fact to the governor; and if the governor was of opinion that the bishop had acted rightly, he deprived the clergyman whose licence had been revoked of the salary which he was entitled to receive. Mr. Whitmore, thinking that the decision of the bishop in his case was unjust, and believing that he had a right of appeal, came to this country, a distance of 16,000 miles; but after laying his case before the Archbishop of Canterbury, found that he had no appeal. Mr. Whitmore had to return to the colony without redress, owing to the absence of any authority, by means of which redress, if due to him, could be obtained. Again, if he were to suppose the case of a clergyman who had very much misconducted himself, and that the bishop wished to suspend his licence, it so happened that unless the governor agreed with the bishop, the clergyman might still draw the salary attached to the preferment which he held, although the bishop might have withdrawn his licence. These were two practical grievances, and the question was, how should they be remedied. It had been suggested that so much of the Statute of Henry VIII. should be repealed which prevented the clergy, bishops, and laity meeting together, and making canons. But that would not meet the case which he had put, because the repeal of that Statute, either wholly or partially, would not deprive the bishop of his autocratical power of withdrawing the licence if he pleased. Now, what remedies are proposed for these practical grievances? His right hon. and learned Friend the Member for the University of Dublin (Mr. Napier), for whose opinion he entertained the highest respect, had referred to Bishop Butler's opinion in favour of a power for correcting misbehaviour on the part of the clergy. But did the right hon. and learned Gentleman suppose that the Colonists would consent to the introduction of ecclesiastical courts, or that the House of Commons would agree to hamper the Colonists with these institutions? Another remedy was that suggested by the hon. and learned Member for Greenock (Mr. Dunlop), namely, to separate the Colonial from the Established Church, and leave the Colonial Church to manage itself. He thought the hon. and earned Gentleman should pause, before urging them to act on that proposal. Bishops and clergymen had gone from this country to the Colonies—there was still a desire between the members of the Church in this country and in the Colonies to be associated in one body, and they could not say to those persons that they must sever the connection, and that no redress would be granted the Colonial Church unless it consented to make itself independent. That they would never do, so long as another remedy could be found. For those grievances which he had pointed out the Bill before them would, he believed, provide a remedy without prejudicing the chief objection alluded to by the right hon. Member opposite (Mr. Ellice). Hon. Members seemed apprehensive that it would establish something like Convocation in the Colonies, and lead to synods and the making of canons. It could not be said of him (Mr. Walpole) that he had any desire, even in this country, to resuscitate Convocation; he believed it would be detrimental to the Church in this country, and if ever the question should come before that House, he would give the strongest reasons for the opinions which he held with regard to it. But they did not propose to establish Convocation in the Colonies. All that they proposed to do was to provide that no Statute law or usage should prevent the bishops and clergy of any diocese from meeting together from time to time for the purpose of making such private arrangements as local circumstances might render necessary for the proper management of their ecclesiastical affairs. That provision did not, however, tend to empower the clergy or laity to meet in Convocation or to make canons. For it was clear Convocation could not be held, and no canon could have force, without the licence of the Crown, altogether independent of the Statute of King Henry VIII. Now, it thus being manifest that the Bill did not tend to authorise the bishops and clergy to hold Convocation in the Colonies, what, he would ask, would be the operation of the clause which they were then employed in discussing? He believed that its operation would be—subject to one qualification, to which he should, in considering the remaining provisions of the Bill, advert—to place the members of the Church of England in the Colonies in the same position as the members of any other religious body. The members of other religious persuasions could enter into any arrangement or agreement binding upon themselves as to the manner in which they should conduct their ecclesiastical affairs, and if that arrangement were violated they went into court upon that contract as entered into with one another, and asked the assistance of the court to carry into execution its provisions. That was a power which the members of the Church of England did not possess in the Colonies, and with which the Bill under their notice proposed that they should be invested. Having thus pointed out what in his opinion would be the operation of the clause, he should merely add, with respect to the Bill now under consideration, that, in his opinion, its operation would not at all interfere with the Act of Supremacy, inasmuch as the supremacy of the Crown was a prerogative of the Sovereign which dated from a period anterior to the Statute of Henry VIII.; but he nevertheless deemed it advisable that all doubt upon that subject should be completely removed, and for that reason he should wish that some proviso should be added to the Bill upholding and preserving in distinct terms the Royal supremacy. He was of opinion that there ought to be no law passed which should have for its object to make any alterations or arrangements contrary to the doctrine of the Church of England. His argument was based upon the ground that since the members of the Church of England in this country were anxious to keep up their connection with the Church in the Colonies, the members of both Churches had a right to guard, so far as the doctrines of the Church were concerned, against any power being conferred on the Colonial Church which should at all interfere with the maintenance of those doctrines. The simple addition which he should wish to make to the Bill was as follows:—

> "Provided always, it shall not be lawful for any Church meeting to introduce or make any alteration affecting the Royal supremacy, or the doctrines of the Established Church as contained in the Book of Common Prayer and the Thirty-nine Articles."

He regarded that as a reasonable proviso, and if it were added to the Bill under their notice he believed that they should then have succeeded in framing a good measure—one which would be satisfactory to the Colonies, just to the members of the

Church of England, and one which would not at all interfere with the religious equality of any denomination of the Christian subjects of Her Majesty.

Mr. DUNLOP, in reply, said, that the clergy of the Episcopal Church in Scotland had no scruple whatever in meeting in Scotland, because they considered they were part and parcel of the Church of England; but the clergy of the Established Church in the Colonies had a scruple, and his object was to prevent another legislative sanction being given to a status which had been gradually growing up, without, as he thought, any legal authority. He only wished to prevent the colonial clergy from resolving a doubtful point the wrong way.

The SOLICITOR GENERAL said, he was inclined to assent to the Amendment, on the understanding that the hon. and learned Member (Mr. Dunlop), his right hon. Friend (Mr. Walpole), and himself, should consult together as to the form of expression to be used between that time and the bringing up of the Report.

Sir JOHN PAKINGTON said, this matter ought not to be trifled with; it involved the very highest considerations to the Church in the Colonies, and he would not part with one iota of what he believed to be the principle at stake. The Amendment went to strike, by the most direct implication and influence, at the authority of the Church of England and Ireland over the Church in the Colonies. The result of the Amendment would be twofold. First of all, it would go to negative the existence of dioceses in the colony; and the next result would be, that instead of speaking of the Church as the United Church of England and Ireland, the episcopal Protestants in the Colonies would be spoken of as being members of the Church in communion with the United Church of England and Ireland. He thought a principle was involved, and he should divide the Committee.

The CHANCELLOR of the EXCHEQUER said, he must beg to say one word on the subject before the Committee. It was perfectly plain there was no question at issue between the hon. and learned Gentleman the Member for Greenock, and his hon. and learned Friend the Solicitor General. The right hon. Baronet (Sir J. Pakington) said, if the Solicitor General introduced the words suggested by the hon. and learned Gentleman the Member for Greenock, he would negative the existence of dioceses in the Colonies. They did no such thing. The hon. and learned Gentleman the Member for Greenock said nothing whatever on the subject of dioceses in the Colonies. What he did say was this—he passed over the mention of dioceses in the Colonies, and so far he declined to give a Parliamentary and statutory title to that which had been granted by the prerogative of the Crown. He believed that was strictly a correct description. He really thought there was something fair and equitable in the Amendment of the hon. and learned Member for Greenock, and he trusted the Committee would adopt it.

Mr. HENLEY said, he wished to know from the hon. and learned Solicitor General, whether there was any statutable recognition of dioceses in the colony?

Mr. WALPOLE said, the patent to Van Diemen's Land distinctly in terms constituted that colony into a bishop's see or diocese; and therefore all the Committee were now doing was, to legislate upon the assumed fact that the Crown had constituted sees or dioceses in the Colonies.

The SOLICITOR GENERAL said, what he wished to do was to relieve the clergy from personal disability; and the Government would take care that the word "Church" should be so connected with this Bill, that bishops when mentioned in it, should mean bishops of the Church of England.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 34; Noes 81: Majority 47.

Mr. DUNLOP said, he would now move another Amendment, in line 3 after the word "Majesty" to insert the words "of churches in communion with the United Kingdom of England and Ireland, and the lay members of the congregations of such clergy."

The SOLICITOR GENERAL said, he should have been exceedingly desirous of omitting any words that might appear to any hon. Gentleman to involve confusion. He could not, however, assent to the words now proposed by the hon. and learned Member, but he would agree to such an alteration in the indemnity clause as that, instead of enacting that—

> "No Statute, law, rule, usage, or authority of the United Kingdom shall extend or be construed to prevent the metropolitan of any province or the bishop of any diocese in the Colonies of Her Ma-

jesty, together with his clergy and the lay persons of such province or diocese, being members of the United Church of England and Ireland,"—

from meeting together from time to time to regulate their ecclesiastical affairs, the clauses should run thus—

> "No Statute, law, rule, usage, or other authority of the United Kingdom shall extend or be construed to prevent the bishops and clergy in the Colonies of Her Majesty and the lay members of the congregations of such clergy, being members of the United Church of England and Ireland,"—

from holding such meetings.

SIR JOHN PAKINGTON said, he could not consent to the introduction of the words proposed by the hon. and learned Member for Greenock. He believed they were words to which the Solicitor General had applied the terms "simple nonsense." Before parting with this clause of the Bill, he wished to ask the hon. and learned Solicitor General a question. Supposing this Bill to pass, he wanted to know what was the view of the hon. and learned Gentleman with regard to the mode in which those bodies were to be put in action? Who was to start them? Was that to rest solely with the bishops, or were the laity to be the parties to give the motive power?

MR. J. B. SMITH said, he should move the adjournment of the Committee on the ground that they were at that moment wholly in the dark as to what was proposed to be done.

MR. T. CHAMBERS said, it was impossible to know exactly where they were, and he would therefore second the Motion. In point of fact, this was a proposal to relieve the Established Church in the Colonies from disabilities under which it laboured. The hon. and learned Solicitor General was able to pronounce a speech twenty minutes long without employing the slightest phrase which could imply that the Church in the Colonies was established, and yet he concluded by saying, if certain Amendments were agreed to, they would alter the whole status of the Colonial Church as established by many Statutes. If the Colonial Church existed either by a patent from the Crown or by Statute, then it was an Established Church, and because it was an Established Church it remained under certain disabilities. Either, therefore, these disabilities did not exist, and then the Bill was unnecessary, or they did exist for a sufficient reason, and then the Bill which sought to remove them was mischievous. On these grounds he gave his cordial support to the Motion that the Chairman do now leave the Chair.

MR. ROUNDELL PALMER said, the hon. and learned Gentleman who had just sat down had, on a former occasion, opposed the second reading of this Bill in a speech of great ability; but, nevertheless, the House by a large majority rejected his proposition, and affirmed the second reading of the Bill. But now, when the House was in Committee engaged in considering the clauses, and had omitted one which was erroneously supposed to have the effect of giving territorial jurisdiction to the Church in the Colonies, he could not help characterising this renewed attempt to get rid of the Bill by such unfair means as a factious proceeding. He should like to know what the hon. and learned Gentleman meant by an Established Church? The hon. and learned Gentleman said that anything which originated in an Act of Parliament, or in a charter from the Crown, was established. But what had happened here was simply this—that the Colonial Church had an historical connection with the Church of England, though that connection gave it no powers, jurisdiction, or legal advantages of any kind. Now, why a Church in that condition should be subject to certain disabilities, which in this country were supposed to be a counterbalance to the rights and jurisdiction which the Church possessed here, though she did not possess them there, was what he could not understand. He did not think the hon. and learned Gentleman himself was misled by his own argument, and, therefore, it appeared to him that this was an unfair attempt to take advantage of the historical connection between the Church of England and the Colonial Church to keep the latter in a state of disability.

SIR JOHN PAKINGTON said, he would remind the Committee that they were discussing a question connected with religion, and therefore it was desirable that they should set an example to the synods that were likely to meet under it, of discussing the question with calmness, and good temper, and charity, and that, having gone so far in the discussion of the Bill, they would proceed and discuss the various clauses on their merits.

MR. KINNAIRD said, he would not have risen except for what had fallen from the hon. and learned Member for Plymouth (Mr. R. Palmer), who had been pleased to designate the speech of the hon. and learned Member for Hertford (Mr. T.

Chambers) as factious. Now, for himself, he must say that he had listened to the whole of this debate, and he had heard every Member who had spoken, with the exception of the hon. and learned Solicitor General, profess their inability to understand this Bill, and all he had heard, instead of making it more clear to him, had only mystified him the more. He had heard an Amendment agreed to which, at an earlier period of the debate, the Solicitor General had described as simple nonsense.—[The Solicitor General: That remark applied to an Amendment which was not yet passed.]—He agreed with the hon. and learned Gentleman so far that he thought the whole Bill was nonsense; and he supported the Amendment because he wished to save the House the waste of time that would be incurred by discussing a measure of this sort, which he believed, except by the bishops and a few of the clergy, was looked upon with indifference in the Colonies. He would suggest that the whole matter should be left for the discussion of the Colonial Legislatures.

Sir JOHN PAKINGTON said, he wished to say one word, in order to remove the fallacy under which the hon. Gentleman who had last addressed the Committee laboured, of leaving this question to the Colonial Legislatures. Those who were conversant with the Colonies knew very well that the Colonial Legislatures would not touch this question at all, and that there was no more chance of the Colonial Legislatures doing justice to the Church of England in the Colonies, than there was of the House of Commons attempting to legislate on the church affairs of the Wesleyans and Baptists.

Mr. FREDERICK PEEL said, he also wished to remove an impression that seemed to exist in his hon. Friend's (Mr. Kinnaird's) mind, that the Colonists were indifferent to this question. He believed, on the contrary, that the greatest interest was felt on the subject, and that the Colonists universally felt there was a necessity to remove the disabilities under which the Church of England laboured, and that all measures having that effect were watched with great interest by the Colonists. It was only in the autumn of last year that a meeting of the Synod of Toronto was held, comprising a fourth of the members of the Church of England in that colony, at which a petition was agreed to, which he had the honour to present to the House, and which prayed for the passing of a measure that would remove all doubt as to the lawfulness of holding synods in the Colonies, and to leave them to adopt all such rules and canons as might not be repugnant to the laws of the Colonies or to the Articles of the Church of England.

Sir GEORGE GREY said, he thought the passage which the hon. Under Secretary for the Colonies had just quoted from the petition proved that the desires of the Colonists went beyond the Bill. He thought they were invited to legislate on this question because the Colonial Church laboured under disabilities which only an Act of Parliament could remove. But it now appeared, according to the right hon. Baronet opposite (Sir J. Pakington), that they were asked to legislate only because the Colonial Legislatures would have nothing to do with the question. With respect to the Motion before the Committee, he hoped it would not be pressed, at the same time that he thought, as they were now considering an Amendment proposed upon an Amendment, he considered that it would be better if it were postponed till the bringing up the Report.

Lord JOHN RUSSELL said, he did not like to interfere in this question, but he rose to corroborate the opinion of his right hon. Friend who had just spoken, that when they were engaged in discussing how a clause was to be framed, it was hardly fair to move that the Chairman should leave the Chair. If the Bill was a bad one, let them vote against it on bringing up the Report, or on the third reading; but to move at the present stage of the measure that the Chairman should leave the Chair, and so to get quit of the Bill, might not be a factious, but it was scarcely a fair proceeding. With regard to the Amendment proposed by his hon. and learned Friend (the Solicitor General), if his right hon. Friend (Sir G. Grey) would look into the clauses of the Bill, he would see that the Amendment which had already been carried rendered some alteration in the other parts of the clause necessary.

Sir JOHN PAKINGTON said, he must beg to explain that the right hon. Member (Sir G. Grey) had put a larger construction on his words than they would admit of. He had no intention of saying that the Colonial Legislature would not legislate on this subject, but intended his words to apply to the Act, which being an Imperial one, prevented them from so doing.

Mr. ADDERLEY said, that the Colonial Legislatures could not be left to deal with this question, because the great majority of these bodies were against the Church. They had seen this evening what a poor chance the Church had in the British Legislature, and they might judge from that how it would fare in the Colonies.

Mr. MIALL said, he would advise his hon. Friend the Member for Stockport (Mr. J. B. Smith) to withdraw his Amendment, as he did not wish to get rid of this measure by what might be considered a manœuvre. At the same time he must say that the question had got into an extraordinary state of complication, so that he questioned whether any Member could give a vote with perfect satisfaction to his own judgment. It was stated by the right hon. Member for Droitwich (Sir J. Pakington), that the Church in the Colonies was not an Established Church. That was true verbally, but not substantively. As a branch of the Established Church in England, it also might be said to be an Established Church; and there were future possibilities of the development of the established principle even in the Colonies which the Church would not give up, else she might be free from her disabilities without the intervention of any Legislature.

Mr. HORSMAN said, it was obvious from all that had taken place that the Committee was at a loss to know what would be the effect of this Bill. In these circumstances, if the Government had thought proper to postpone the measure, they would, in his opinion, have taken a proper course; but, at the same time, if they were desirous of proceeding with it, he thought the Committee should give the clauses of the Bill every consideration. The course proposed by the hon. Member for Stockport he thought objectionable at the present stage; and, therefore, he hoped he would not press his Motion upon the Committee.

Mr. J. B. SMITH said, that in deference to the wishes of the House he would withdraw his Amendment.

The SOLICITOR GENERAL said, he would now beg to explain that when he applied the term "simple nonsense" to the Amendment of the hon. and learned Member for Greenock, he meant to say that the words as applied to the Colonial Church had in reality no meaning. The Amendment spoke of a Church in communion with the Church of England. Now, there was no such Church in the Colonies. That phrase might describe the Episcopal Church in Scotland, or the Episcopal Church in the United States; but the Colonial Church was a part of the United Church of England and Ireland, and not a Church in communion with it. If they inserted these words, then they would destroy the efficiency of the Bill. He had been frequently challenged to state his reason for this Bill, and what its effect would be. In explanation of that, he might shortly say, that by the common law of England the clergy of the United Church of England and Ireland were prohibited from holding meetings for the purpose of discussing ecclesiastical regulations. The common law was declared in the Statutes of Henry VIII. and Elizabeth, but the power originally resided in the common law, and that was the reason that, though these Statutes were limited to England, yet the prohibition equally extended to Ireland. The common law, anterior to all Statutes, assigned to the Crown a right of supremacy in all matters of jurisdiction, whether spiritual or civil. Suppose the bishop and clergy of any colony were pressed by inconveniences arising from the want of clerical discipline, and convinced that there could be no clerical discipline where the bishop had no power legally to investigate any offence by the clergy—where the bishop had the power of arbitrarily suspending a clergyman, but none to compel the production of evidence to investigate the matter legally — power which he could not exercise unless his spiritual authority was confirmed and backed by the law of the country, which power the law did not give him, what was the bishop to do? Was it desirable that such a state of things should continue? Clearly not. But it must continue unless the Colonial Legislature was ready to give some kind of civil authority to the bishop's ecclesiastical power, or unless the bishops, clergy, and lay members of the Church were willing to adopt a course of proceeding nearly corresponding to that of the Wesleyan Methodists, who, by mutual consent, substituted a mode of inquiry which enabled matters of this description to be investigated. But the bishops and lay members of the Church could not meet to discuss the remedy applicable to their present state without incurring penalties, because such a meeting would be for the purpose of discussing ecclesiastical rules and regulations. It had been said that in former debates he had asserted that the Statute of Henry VIII. had no jurisdiction in the Colonies. He had over and over again declared the contrary, and had given the reasons for his opinion. The reason was that the Statute of Henry VIII., declaring the supremacy of the Crown, constituted a part of the relation between the clergy and the Crown; while the Statute of Elizabeth said that the supremacy of the Crown should have effect in all dominions of the Crown, as well in foreign as in home possessions. The effect of this being law would be to deprive any agreement among the members of the Church in the Colonies for their own regulation of every kind of force, not only legally but morally, because it would be studiously represented that they were forbidden to meet for such a purpose. This was the disability under which the colonial clergy rested, and it arose because they were ordained clergy; but this Bill would leave them free. He would now briefly state the result of the present debate. The hon. and learned Member for Greenock (Mr. Dunlop) insisted upon the insertion in the Bill as it originally stood of the words "province" and "diocese," and the Government were willing to adopt his Amendment to the extent of enforcing the existence of any ecclesiastical jurisdiction or division in the colony. In the like spirit he was willing to adopt some portion of the words now proposed, and insert "to prevent the Bishops and Clergy in the Colonies of Her Majesty, and the lay members of the congregations of such Clergy, being members of the United Church of England and Ireland." These words would leave the Bill precisely as it stood originally, save only that the words implied ecclesiastical divisions, and possibly jurisdiction, where there was none.

Mr. J. G. PHILLIMORE said, he must express his surprise that the hon. and learned Solicitor General should have advanced so untenable a position as that the spiritual supremacy of the Crown was part of the common law of the land. Why did Sir Thomas More, who knew the law of his country, lose his head? Why, expressly because he denied the supremacy of the Crown to be part of the common law. The fact was, his hon. and learned Friend could not overturn the admirable argument of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) with regard to the Church of Ireland. The truth was, it was impossible for any one who looked forward to the future, or backward upon the past, not to regard this Bill without very considerable apprehension. Could it be supposed, after the portion of the petition which was read by the hon. Under Secretary for the Colonies, that if they established synodical action in the Colonies, that Convocation was not the real object of the measure, and that they would not some years hence be met by a demand to place the Church of England at home upon the same footing as the Church of England in the Colonies. He would remind the Committee of the acts of extravagance committed by Convocation in 1717, which had led to a suspension of its powers; and he asked whether they were willing to extend to the Colonies a principle productive of such mischief? The hon. Member for North Staffordshire (Mr. Adderley) said he was for the Bill, because the Colonial Legislatures would never consent to it if that House did not. This was precisely the reason why that House should not pass it. It was said that the Church only wanted to be put upon the same footing as the dissenting bodies; but those who used this argument forgot that, by the preamble of the Bill, power was sought to enforce "rules and regulations." The Wesleyans had not this power. These words being used, he wished to ask whether there would be an ecclesiastical tribunal established to enforce the laws so made; and also whether, if power was given to enforce them, the argument was not got rid of that the Church and the dissenting body would be placed on the same level?

The CHANCELLOR of the EXCHEQUER said, he must protest against the course taken by the hon. and learned Gentleman who had just sat down. They were now for the fifth time in the course of the evening discussing along with *bonâ fide* Amendments proposed with respect to the phraseology of the Bill, the principle of the measure in every imaginable form. And then hon. Gentlemen complained of the confusion that was introduced into the debate, and one hon. Member even proposed that the Chairman should leave the Chair because of the difficulty of understanding what they were about. Now, if any one wanted a recipe for producing utter confusion and insurmountable difficulty in discussing any Bill, he would say mix up the discussion of general principles with that of every possible detail and every possible Amendment, and the result will be entire confusion. He would not follow the hon. and learned Gentleman when he said that the prayer addressed to the House of Commons by the members of the Church in the diocese of Toronto, for what they called synods, implied an intention to have Convocation in the Colonies. This was the first time that he had heard from the mouth of a lawyer that synods and Convocation were the same thing. [Mr. J. G. PHILLIMORE: Synodical action was the expression.] Synodical action had nothing to do with it. Because the petitioners spoke of synods, it did not imply a wish for Convocation. There was no fear of Convocation in the province of Canada. What the petitioners meant was perfectly well known. They wanted meetings of some kind through which they could make rules and compacts among themselves for the practical government of their own local affairs. Wanting that he did not think it was too much for them to ask, on the part of our colonial fellow-subjects, that, when matters in which they were deeply interested were at stake, the principles and details of the Bill, which would give them the necessary powers, should be treated with the respect which in Committees of that House was always given to questions about railways or turnpike roads.

MR. NAPIER said, it now appeared that the real object and intention of the Bill was not to interfere with the Statute of Henry VIII. so far as it applied to the Colonies, but with the common law of the land as applied to the supremacy of the Crown. This was the object of the Bill, and it ought to be distinctly stated. The common law, however, already provided a remedy. Why should not the advisers of the Crown advise Her Majesty to give a licence to the colonial clergy to meet? In that case their proceedings would be sent home to be confirmed by the Privy Council. But every argument which he had heard for the Bill only served to make him more distrustful of it. The Amendment now under consideration made matters worse, though the Bill was already inconsistent and confused.

MR. SERJEANT SHEE said, he agreed with the right hon. and learned Member for the University of Dublin that the whole Bill was a mass of confusion; but he attributed much of that impression to the right hon. and learned Gentleman himself. He (Mr. Serjeant Shee) had been endeavouring to understand the real meaning of the "United Church of England and Ireland in the Colonies," but he confessed his inability. As he understood the observations of the right hon. and learned Gentleman (Mr. Napier) they were to this effect:—"It is essential to the existence of the United Church of England and Ireland in the Colonies that that part of the common law which acknowledges the supremacy of the Crown of England should go along with the Church of England." There was this absurdity in this—that no person recognised the supremacy of the Crown of England, except persons who were the subjects of the Crown of England. Then was it meant that the United Church of England and Ireland was a Church to which none but persons subject to the Crown of England could belong? It was said to be a Catholic Church. It was not only not a Catholic Church, but it could not be one. If it was meant to say that wherever this United Church of England and Ireland existed, it was absolutely necessary that the persons belonging to it should believe in the ecclesiastical supremacy of the Queen of England, then, from that moment they were relieved from the difficulty. One difficulty which must overtake the carrying out of this scheme would be that, in almost all the Colonies—and it was very discreditable that it should be so—the members of the great United Church of England and Ireland would be in as miserable and disgraceful a minority as they were in Ireland. Great difficulties would also arise in consequence of the diversity of opinion on theological questions which might be found to exist between the heads of the Church in the Colonies and those in England and Ireland.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 43; Noes 78: Majority 35.

MR. MOWBRAY said, he thought the definition of bishops and clergy was not sufficiently accurate. He was afraid that the words "the United Churches of England and Ireland" would be overridden by the words "bishops and clergy," and that, by the true legal construction of the words Roman Catholic bishops and clergy might take part in these meetings.

THE SOLICITOR GENERAL said, the words were not capable of receiving this interpretation. The preamble of the Bill gave the key to its construction, and, according to that, "bishops and clergy" would always be held to be the same as "bishops and clergy of the United Churches of England and Ireland."

Sir **JOHN PAKINGTON** said, he thought the omission of all mention of diocese would lead to great complication.

Mr. **G. BUTT** said, he would point out that in Colonies where there were four dioceses, as there were in Australia, the bishops and clergy of all the four, according to the clause as then amended, might in future hold one general meeting together. The hon. and learned Solicitor General had stated that one great object of the Bill was to give the bishops in the Colonies jurisdiction and power to regulate the conduct of the clergy, but he (Mr. Butt) must contend that the Bill would be inoperative in effecting that object, and that there was nothing in it which would give the bishops the power which it was thought desirable they should possess. The Bill had certainly the merit of being exceedingly brief, but he thought it would fail in any attempt to remedy the evils which had been complained of. He would recommend the hon. and learned Solicitor General to take the Bill home with him, and try and make it more intelligible.

Mr. **T. CHAMBERS** said, he thought the Bill was open to a much greater objection than had been taken by the hon. and learned Member for Weymouth. It provided that nothing—

> "In any law, rule, usage, or authority, should extend, or be construed, to prevent the Metropolitan of any Province, or the Bishop of any Diocese in the Colonies of Her Majesty, together with the lay members of the United Church of England and Ireland, from meeting together," &c.

The only construction to be put upon that was, that the bishops and clergy throughout the whole of the Colonies might meet together, with all the lay members of the United Church of England and Ireland.

Mr. **WALPOLE** said, he suggested that the Committee go no further than this clause at the present sitting, and that the Solicitor General consider it further at his leisure.

Sir **GEORGE GREY** said, he would point out that there must be some new limitation of the jurisdiction to be exercised under this Bill. It would be highly inconvenient to have different regulations in different dioceses.

The **SOLICITOR GENERAL** said, he would suggest that the jurisdiction be exercised "within such colonies respectively." He would assent to the suggestion of the right hon. Gentleman (Mr. Walpole) to stop at this clause and give the measure his serious consideration before it was next considered, for the purpose of doing which he should take the advice of his hon. and learned Friend (Mr. G. Butt) and "take the Bill home" with him.

House resumed: Committee report progress.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Eleven o'clock.

HOUSE OF LORDS,

Tuesday, April 11, 1854.

Minutes.] Public Bills.—2ª Bankruptcy and Insolvency (Scotland); Ministers' Money (Ireland).

WAR WITH RUSSIA—THE GERMAN POWERS—QUESTION

Lord **BEAUMONT** said: My Lords, I avail myself of the last opportunity afforded me before the recess of putting some questions to my noble Friend the Secretary for Foreign Affairs. I can assure your Lordships that I am unwilling, as my noble Friend must be aware, either to give much attention to the telegraphic messages which are constantly arriving at this time from various parts of Europe, or to put too much confidence in the rumours which are so rapidly spread and so easily believed in a period of anxiety like the present. The noble Earl must be also well aware that even when some of these rumours and reports have assumed a certain degree of consistency, I, at least, have generally abstained from drawing premature conclusions from them, and by ill-timed discussion causing embarrassment or in any way interfering with the proceedings of Government. Having confidence in their judgment, I have refrained from putting inopportune questions with regard to the great subject which so engrosses the public attention. But as, my Lords, this is the last day of our meeting previous to the vacation, and as the reports to which I am about to refer have assumed a very serious character, and as they are not only repeated in the public journals, but also, to my knowledge, have been forwarded, and partly confirmed, by private letters, I am led this day to ask my noble Friend, for the satisfaction of your Lordships, and even for the advantage of the Government itself, if he is able to lay before Parliament any documents or papers which will explain the actual state of our present relations with the German Powers. I allude in particular to that portion of the question, because I believe there can be no doubt that a new and recent protocol—more recent than that contained in the papers last laid before Parliament—has been signed by the parties forming the Conference at Vienna. And I am also further inclined to ask this question because the reports and rumours to which I have alluded have a tendency to show—and, in fact, have inclined some persons to believe—that our relations with the German Powers are not quite so satisfactory as it was hoped they would be found to be. Even this very day, my Lords, a report has been spread—though it is most likely that such a report is incorrect—that the Prussian Government has broken with the Western Powers, and has actually joined the Russian Emperor. Now, of course, such a report as that can gain no credit; but though a positive rupture with the allied Powers may not be believed, there is good ground for suspecting extreme lukewarmness in their cause. I have seen, with some pain, the report of a debate which took place in the Second Chamber of the Assembly at Berlin, demonstrating, as I am sorry to say, the existence in that Chamber of a strong party very hostile to the Western Powers, and extremely favourable to an alliance with Russia. I perceive also, my Lords, from what passed on that occasion, that the party supporting an opposite policy did not carry the proposals which they thought proper to make. The feeling thus exhibited in the Chamber, and the favour with which Russian agents are received at the Court of Berlin, are of themselves sufficient to awake suspicion, and these circumstances, which are of course authentic and known, may have led to the report to which I have just alluded. That report, however, I consider to be one having a very dangerous tendency, inasmuch as it supposes a difference of opinion in Europe on the conduct of Russia, and it would be, therefore, very advantageous to Her Majesty's Government if my noble Friend were able to give a positive contradiction to it. I have also, my Lords, seen with pain — and I fear there is more truth in this report — that a distinguished diplomatist, who has long resided in this country, and who has long most worthily represented the Court of Prussia—who enjoys a great European reputation as being one of the first scholars of the day —a man who is not less distinguished in letters than in diplomacy, is about to be recalled from this country by his Government. My Lords, I do not know whether that recall has any political meaning with regard to the relations between Prussia and this country, or whether it is in consequence of mere private affairs, or whether it is occasioned by considerations affecting the internal arrangements of Prussia. If my noble Friend can afford any explanation of the motives which led to the threatened retirement of Chevalier Bunsen I hope he will give it. So far, then, with regard to Prussia. I think, however, that your Lordships will be of opinion that with regard to our relations with Austria also we ought to have some information; because it appears that an alliance, defensive and offensive, has been proposed, if not actually signed, between the two great German Powers. Whatever the exact nature of that treaty may be, it is most likely that it has been communicated to Her Majesty's Government; and in that case it will be satisfactory to know that there is nothing in that treaty which can influence or impede in any way the co-operation—if it should be necessary—of the two German Powers with the two great Western Powers in case of a prolonged state of war. There are, my Lords, some other reports from Austria, which are, also, of a very serious tendency. There is one with respect to Servia, which, though it forms a portion of the Turkish dominions, and is under the suzerainty of the Porte, has always been treated as a *quasi* independent Power —it is reported that a portion of that territory has been occupied by Austrian troops in consequence of certain Russian soldiers, or of persons who are agents, or who are supposed to be agents, of Russia, having passed the frontier for the purpose of raising troubles in that country. This is a report of which I have not the slightest idea whether it be true or not; but as it has been generally spread, it will be satisfactory to know whether Her Majesty's Government can afford any information in regard to it. I should further like to know, my Lords—but this, of course, is a question as to which it will remain entirely in the noble Earl's discretion whether my wishes are to be granted or not—whether instructions have gone out to the fleet now to take an active part in the war? I ask this simple question, because I have seen several private letters from the seat of war which express a rather painful feeling that up to the moment at which they were written, there has been no co-operation or assistance given on the part of our fleet to the right wing of the Turkish army, which is now engaged in a most severe contest with the Russian forces under General Lüders. It will certainly be satisfactory to know whether or not that co-operation which, according to the judgment of the most able to form an opinion—namely, the admirals and officers in command—may be afforded, can now be confidently relied upon by our ally the Porte, and should the Turks ask of our fleet their co-operation and assistance, whether such co-operation and assistance are now likely to be given. On any points with regard to the war, I can assure your Lordships I would be very sorry to put questions such, as I said, might in any way tend to harass Her Majesty's Government. For I feel we must trust implicitly to the Government, and to those officers who are in command of our forces, on the several points, and there can be no doubt as to the appositeness of a remark made in a speech not long ago delivered, that secrecy is one of the elements of success. I, therefore, beg to be allowed to put the question to my noble Friend, and in doing so I freely admit it will be for him to exercise his judgment as to the extent to which he will concede an answer—whether he is able to lay before your Lordships such information as may be confirmatory of either the truth or falsehood of the various rumours now abroad—and also such information as it may be proper to give with regard to our actual position in respect to the German Powers?

The Earl of CLARENDON: My Lords, I do full justice to the forbearance of my noble Friend, and admit that he has in general carefully abstained from putting to Her Majesty's Government any questions that might lead to embarrassment. I must say, however, that on the present occasion, the noble Lord has amply made up for any defects or delays he may have hitherto exercised in that direction by putting to me such a series of questions that my principal difficulty will be, not as to the answers I have to give, but in remembering the questions themselves. I think the first question of my noble Friend has reference to a protocol which is said to have been recently signed and which he desires to have produced. Now, my Lords, that protocol was only signed the day before yesterday at Vienna, and as yet I have only seen the draft of it, which arrived yesterday. I think that that protocol is of a satisfactory character, though it is not precisely that which was originally desired, nor that which the Austrian Government agreed to support. But the arrangement has assumed the shape of a protocol to meet the wishes of the Prussian Government, and I must say it substantially contains everything that was included in the convention. The assent of Prussia was readily given, and, as I have just said, the protocol was signed on Sunday last; it has not, however, as yet reached England in a complete shape, otherwise there would not be the slightest difficulty in laying it upon your Lordships' table, though as soon as the House meets again, after the Easter recess, I promise to do so. With respect to the rumours to which my noble Friend has alluded—of Prussia having gone over altogether to Russia—I can assure him that there is not the slightest foundation for such a statement, or the slightest grounds for apprehending such an event. I could certainly wish that the temper and tone of the debates in the Second Chamber had been rather different from what they were; but sometimes the same feeling might be entertained with regard to what passes in your Lordships' House. But, in any case, I am sure my noble Friend does not consider that the Government is in any way responsible for the tone assumed in the Second Chamber at Berlin. Nevertheless, my Lords, I think that although that tone, and the result which has been brought about, are not what might have been expected or desired—I think that it has been quite sufficiently manifested, both by the Chamber, the press, and the public, that the state of things which my noble Friend seems to apprehend—namely, that of Prussia passing over to Russia—is quite impossible. My Lords, with regard to the rumour which my noble Friend says is circulating in London, and which very naturally gives rise to feelings of great regret, as to the recall of Chevalier Bunsen, I certainly acknowledge to have heard a report to that effect, as has also, I believe, the Ambassador himself; but he assures me that as yet, at all events, he has no knowledge of the fact himself. It seems, however, that official information has been received, stating that it was likely another special mission would be sent over here of the same kind as was sent some three weeks ago, and which will probably be attended with the same results. With respect to the treaty or new convention signed between the German Powers, I am not able to give the information required by my noble Friend, because that treaty has not yet been communicated to Her Majesty's Government. All that I have learned on the subject is, that it proceeded from Austria to Prussia, being delivered by General Hess. I believe it has been concluded, though I am unable to state the exact terms of it, as it has not been communicated in its official form to Her Majesty's Government. I believe, however, it is offensive and defensive with respect to any territorial attacks made upon the German territory. With regard to our fleet in the Black Sea, I have only to say that our last information of them stated that the whole of the combined fleets were at Karvarna, and that they were at Varna before news had been received of the passage of the Danube by the Russian army. As it was expected that the passage of the Lower Danube would be attempted, the fleet moved to Karvarna; and since then, news having reached the Admirals of the passage of the Danube, they have detached steamers in the direction of Kostendjie to communicate with the Turkish military authorities, and afford them whatever assistance might be deemed necessary. As respects Servia, I have only to say that we have no information whatever of the Austrians having entered Servia. It was, however, some time since stated that communications had been received from Austria by the Turkish Ambassador at Vienna that the *corps d'armée* upon the frontier would enter Servia if the Russian forces crossed into that territory, or if an insurrection in favour of Russia broke out; but that that entry would be solely for the purpose of maintaining the *status quo* of Servia, and to support the authority of its lawful Sovereign.

BANKRUPTCY AND INSOLVENCY (SCOTLAND) BILL.

Order of the Day for the Second Reading read.

LORD BROUGHAM, in moving the second reading of this Bill, observed that it was one of the series of measures which was found necessary for assimilating in some respects the laws relating to trade in Scotland with those of England. Great inconvenience had been experienced for a length of time in consequence of the differences in the two systems, and a noble Friend near him (the Earl of Eglinton) had on a recent occasion made a statement, to the clearness and ability and temperance of which even those who least agreed in his conclusions would feel disposed to do ample justice. Amongst other things the noble Earl referred to the great hardships which Scotland suffered by legislation respecting testamentary execution and the probate of wills, and stated that, in consequence of an oversight, a difference had been made in this respect between England and Scotland; probate or letters of administration in England or Ireland only being requisite to give the will effect in Scotland as regarded shares in bank and railway and similar stock; whereas in Scotland it was necessary for the execution of the will in England or Ireland, besides the probate or administration in Scotland, to take out probate or letters of administration in Canterbury or York and Armagh or Dublin. But that was not the only hardship experienced in Scotland from the difference in the law; for their Lordships were probably aware that in the year 1835 a great change took place in the law respecting arrests in execution for small debts. By that Act the power of arresting for debt, where such debt did not exceed 8*l*. 6*s*. 8*d*., was abolished; but, what was the effect of it? According to one estimate 96 per cent of the small debts before the passing of that Act were recoverable, and by another estimate 80 per cent, the difference in the estimates being that one was calculated upon the debts obtained after judgment and the other upon those obtained without judgment; whereas after the alteration in question that state of affairs was entirely reversed, 96, or 80 per cent, being the proportion of debts rendered absolutely bad and irrecoverable by the creditor. Now, if they contrasted that with what followed upon the abolition of the arrest for debt in England, they would find that the year after the Bill of 1843, brought in by his noble and learned Friend (Lord Lyndhurst), abolishing arrest for debt under 20*l*., the table of their Lordships' House was loaded with petitions from retail traders in London and elsewhere, who complained that they would be absolutely ruined by the Bill, which had been passed without due precaution; and the House instantly appointed a Committee, over which his noble and learned Friend presided, which Committee gave the petitioners the most complete redress, and perfectly satisfied them by the improvements immediately made in the law. It was absolutely necessary to abolish imprisonment for small debts; but the Act abolishing it in England having been passed without due precaution, so as to injure the retail traders, an immediate remedy had thus been applied. Such was not the case in Scotland after the passing of the Act of 1853 abolishing arrests for debts not exceeding 8*l.* 6*s.* 8*d.*, and the retail traders bitterly complained of the omission; for, although 8*l.* 6*s.* 8*d.* might seem a small debt in any single instance, it constituted a very large proportion of debts due to retail dealers. He was now about to refer to a similar hardship, a grievance, which at present existed in Scotland from the imperfect state of the law, and which the Bill now before their Lordships was intended to remedy. Nothing could be more unsatisfactory than the Scotch bankrupt law as it at present stood. He had on a previous occasion during the last Session pointed out its defects in detail, and he would now mention one or two particulars in which it differed widely from and formed a contrast to our own. Looking at the discrepancies and deficiencies of the law as the result of inattention and oversight on the part of the Legislature, the remedy he would himself apply to that inattention and those acts of carelessness would be that which was recommended by the late Lord Langdale, whose name he never mentioned without bearing tribute to his great ability and, above all, to his sound judgment—a man never led away by vain speculations and theories—and he had suggested the necessity of appointing a Minister of Justice. In that opinion he (Lord Brougham) entirely concurred; he thought the appointment of a Minister of Justice would be of the utmost value; but he did not mean one who would be incidentally a Minister of Justice, one who, like his noble and learned Friend on the woolsack, had an immense weight of public business cast upon him, who was the Chief Judge of the Court of Chancery, who presided over their Lordships in that House, and whose time was taken up to no inconsiderable extent in hearing appeals brought before that House, but he meant a Minister whose sole occupation should be to superintend the administration of justice, and, above all, to give his attention to improvements in the law of the United Kingdom. Had this country possessed such an officer, the discrepancies to which he had adverted could never have been found in our laws, and the delays of which so much complaint had been made would never have taken place—he meant the delay of ten years in abolishing the Masters' offices in the Court of Chancery—a great step in reforming that court; but he was by no means certain that further great changes and amendments were not needful. The plan for the abolition of the Masters' offices was in a state of perfection in 1842, when one of the Masters (Mr. Brougham) had propounded it in detail with Lord Langdale's full concurrence; and yet for ten years afterwards did the Court of Chancery labour under the disgrace, and the suitor under the misfortune, of having these offices continued. His noble Friend (the Earl of Eglinton) had recently adverted to the office of Lord Advocate. Anything more anomalous than the present condition of that office he could not imagine. He was not going to enter at all at large into that subject, but only to remind their Lordships that the Lord Advocate was in Edinburgh, that he was an Edinburgh man, that he was a barrister at Edinburgh, that he was in the Parliament House at Edinburgh, and that he was so mixed up with the profession there that he could not get out of the trammels which bound him to it if he would. The result was inevitable, that in anything laid before the Lord Advocate, the Lord Advocate did and must lean towards Edinburgh, and towards the Parliament House. How, then, must it be with him when Edinburgh stood alone—when the interests of all Scotland and the interests of Edinburgh were different—when, at all events, there was the greatest possible desire for certain measures throughout the country everywhere but in that one part to which the Lord Advocate belonged? It was easy to see. The Lord Advocate, with all the disposition to do justice in the world, with the most perfect freedom from all undue motives, would lean towards Edinburgh and towards the profession. In making these remarks, it was scarcely necessary for him to say that he did not impute anything improper in the conduct of his most excellent and learned Friend the present Lord Advocate, with whom and whose family he had been in habits of intimate friendship for more than half a century, than whom and whose family there existed neither in England nor in Scotland any persons more honest, more virtuous, more enlightened. All that he wished to impress upon their Lordships was, that it was likely, in a Bill such as that to which he asked them to give a second reading, that they would find themselves thwarted by the Edinburgh influence. By the Edinburgh influence he did not mean the general trade of Edinburgh, but only that trade which was driven in the Parliament House, and upon the present subject, even that body was not unanimous. Moreover, reverting to the subject more immediately before the House, he must beg to remind their Lordships that everywhere else there was a strong feeling existing in favour of this most salutary amendment of the law. Their Lordships would see of what importance it was to give every facility to trading operations, and, as far as was practicable, to improve the laws which regulated the commercial dealings of the various classes of the community in this country. The petitions which he had presented to the House would convince them of the greatly increasing trade between England and Scotland; one of those petitions being signed by no less than 224 great firms in the City of London who carried on trade with Scotland, the first five of those firms being engaged in commercial dealings involving annually in the aggregate 5,000,000*l.* sterling, and one of them having transactions which led to 14,000 bills of exchange in a year. There were also petitions from Bradford, Leeds, Manchester, Sheffield, Liverpool, and Birmingham, and in Scotland from Glasgow, Aberdeen, Dundee, and other places, calling on the House to remedy the evils which they described, and praying for an assimilation in the commercial laws of the two portions of the kingdom. In other places in Scotland where petitions had not been adopted public meetings had been held in the course of the past year; so that it was plain the subject was attracting general attention, and called for legislative interference. But he would now inform their Lordships what were the leading features of difference between the bankrupt law of England and Scotland. In Scotland, in cases of bankruptcy, a trustee was appointed, who answered in some respects to our assignee, but was without the control of the court under which our assignees acted. In Scotland the trustee was the sole judge; no proof of debts was required before a public court, before the sheriff, or before the Lord Ordinary; the trustee alone decided whether the debt claimed was due or not, although from him, no doubt, there was a right of appeal. The trustee was chosen by the creditors, who were canvassed for his election as constituencies were canvassed by a Member of Parliament. There were persons in Scotland who drove the trade of a trustee, and a lucrative trade. These trustees called themselves accountants, and were, generally speaking, men of respectability; but he could not but remember an old Guildhall saying, which might possibly apply to some of them, that when a man was produced as a witness who was asked what trade he was, and who replied that he was an accountant, it used to be said that this meant, he was one who would give no other account of himself. In many cases the gibe might be founded on fact; but he did not deny that the body in Scotland were generally composed of very respectable men. The appointment of a trustee, however, was in Scotland a matter of canvass, and every means were resorted to in order to obtain the majority that the law required. The consequence was, that every sort of traffic took place between the bankrupt and the trustee. The latter could hardly help leaning towards the bankrupt, who had given him every assistance towards being appointed. The result very often was, that the bankrupt's nominee was appointed the trustee, and thus the bankrupt virtually became trustee of his own estate. The system of electing trustees by the creditors had been ably exposed by the author of a pamphlet on the reform of the bankruptcy law of Scotland, who said:—

> "The election of the trustee lies wholly with the creditors, a majority in value prevailing when strictly regular claims have been produced. Under this system, as presently worked, it is impossible to say that the best-qualified candidate is always or even generally preferred. The most uncertain of all uncertain things is the choice of a trustee, or the result of a contest in court for the office. Influence in obtaining votes and activity in canvassing are not always guarantees for ability and impartiality. Creditors very often experience great annoyance in the exercise of their votes, and, so far from being benefited and protected by the privilege which the law confers, they are often involved in vexatious competitions, and outwitted by the manœuvres of law agents, or the collusive partisanship of the bankrupt himself. It is not required by the present law of Scotland that a trustee shall possess any professional or other qualifications, and he is often chosen on account of his losses by the bankruptcy or other considerations wholly unconnected with the essential circumstance of his fitness for the office."

The trustee, in fact, might be as ignorant of accounts as of law, and yet might get himself chosen by a majority both as accountant and judge. Acting as a judge, he sometimes had an assessor in cases of great difficulty, and when he had, what happened? He knew a case in which a late learned Judge, who had now retired from the Scottish bench, once sat as assessor day after day for weeks. He gave his decision. An appeal was carried to the sheriff, and from him to the Court of Session, and thence to the House of Lords. This happened twenty-five years ago, but he remembered the case. All this litigation was paid for out of the estate by the creditors, and while it was going on there was a suspension of the distribution of the estate. Now, if this case had originally come before a Judge in bankruptcy, as proposed by the Bill, instead of being left to a trustee, the utmost delay would have been an appeal to the chief Judge of the Court of Bankruptcy. By possibility it might happen that a point of law might come up to the House of Lords; but since our Bankruptcy Act passed in 1831, there had been no instance of such a case having come to them.

The LORD CHANCELLOR said, that last year there had been one, and that was the only one; so that his noble and learned Friend's argument was in no way weakened by the fact.

Lord BROUGHAM: The Bill proposed to vest the jurisdiction in bankruptcy, not in a trustee elected by the creditors, but in a judicial officer. The sheriffs in Scotland were local judges, who could easily discharge, except in the two great counties, the duties of a judge in bankruptcy and insolvency, because by the last return it appeared that the total number of bankruptcies in Scotland, exclusive of Edinburgh and Glasgow, amounted to only 108, which gave only five or six cases in each year to each of the counties of Scotland. For Edinburgh and Glasgow separate judges would be appointed. This was the fundamental principle which the Bill was intended to establish; but there were other evils which it was proposed to remedy, such as the mode of going into the accounts and the administration of the estate. No doubt the law at present provided checks which, in the language of Mr. Douglas, an able and experienced accountant and trustee, would be admirable, if it were not for one unfortunate fact—that they were never made use of. Mr. Douglas said:—

> "Now all this would be admirable if it were not for one unfortunate fact, namely, that it is never done. We do not hesitate to say that a very considerable portion of trustees presently acting under the bankrupt Statute are even ignorant of the fact of their being obliged to lodge copies of their periodical accounts with the bill chamber clerk, and of those who are aware of the circumstance few or none do it; this is, however, a trifling omission compared with some others."

For example, there was nothing more material than that the examination of the bankrupt should be public, and this the Bill proposed to provide. At present the bankrupt was examined in a back room, while other business was carried on in the front room. He was examined, not, as he had better be, by the Judge, insufficient as he was, and such as he was, but by his clerk, and was not confronted either with his creditors or with the public. It might be said the trustee was controlled by Commissioners. But what did this amount to? Three creditors were appointed Commissioners by the body of the creditors, the same body that appointed the trustee; and not only this, but practically the trustee had no small choice in the election of the Commissioners, and it was they who had the control of his remuneration. The Commissioners were to say what poundage and commission the trustee should be paid, not on the sums distributed, but upon the assets paid in, and thus they awarded the amount of his compensation. In all difficulties where he ran the risk of being questioned, the trustee appealed to the Commissioners, who then might cover him with their shield, he having had a share in their election; but where he was not likely to be called to account he acted on his own responsibility. And then, what did he do with the funds? The Bill proposed that trade assignees should be elected by the creditors, and that permanent official assignees should also be appointed, as in England, and attached to the courts. When, in 1831, official assignees were appointed in England to act with trade assignees, their Lordships would recollect the benefit conferred by that great and salutary change. In a short time upwards of two millions were collected by the official assignees, all which had been slumbered over by the trade assignees; and a gentleman, a London banker, then in the House of Commons, who supported the Bill, said, "Though I support the Bill, our house will lose 5,000*l.* or 6,000*l.* a year by its immediate operation, for the sums lying in our hands will be distributed." In Scotland large sums in the same way were unclaimed in the hands of trustees, or, what is the same thing, their bankers. The trustee was not forced to distribute, and he slumbered over it. The trustee collected the assets, and lodged them in a bank at interest, and this interest was not carried to the credit of the bankrupt's estate, but to the private credit of the trustee. From beginning to end a system of abuse, or, more properly speaking, laxity—for it was rather laxity than corruption—existed. The importance of the subject could hardly be exaggerated, and it excited great and anxious interest both in England and Scotland. If their Lordships should agree to the second reading, he should propose that the Bill be committed *pro formâ*, in order that certain amendments might be introduced. The Bill had been printed and extensively circulated among legal and mercantile bodies in England and Scotland, and the result had been that he had received a vast number of suggestions for its improvement, with some of which he agreed, and with others he was at issue, especially as to the mode of choosing the official assignee. He regarded the appointment of this officer as the corner-stone of the Bill, which it was in his Bill of 1831 for England; and he also attached great importance to the system of granting the certificate, as altered a few years after by Lord Cottenham. It was a great improvement in the law that the certificate was removed from the hands of the creditors, and transferred to the Judge of the Bankruptcy Court. Every one of the arguments in favour of these great improvements in the English bankruptcy law equally applied to Scotland, if, indeed, they were not more wanted there. He must again express his sorrow that we had no Minister of Justice in this country, for a Bill of so much importance ought to have proceeded, not from an individual, but from the Crown. It was impossible for a Member of their Lordships' House unconnected with the Government to obtain for such a Bill the reasonable chance it ought to have of passing in accordance with the wishes of the mercantile community. If his noble and learned Friend the Lord Chancellor would consent, *pro hâc vice*, to act as Minister of Justice—if he could be induced to leave the delights of the Court of Chancery—if he would tear himself away from it for a brief period, in order to make this sacrifice for the good of his fellow-countrymen—if he would take charge of this Bill as if it were, what it was not, a Ministerial measure, then he should be indeed delighted. He trusted that this appeal would not be made in vain—not that he (Lord Brougham) shrunk from any labour in connection with the Bill; he only shrank from the prospect of seeing so good a measure failing in his own hands, knowing his own insufficiency to do it justice.

Moved, That the Bill be now read 2^a.

THE LORD CHANCELLOR said, he was sure that their Lordships would all feel that no apology was due from his noble and learned Friend for the mode in which he ushered in this Bill to the notice of their Lordships. A most important Bill it was, and one to which he (the Lord Chancellor), though not a Minister of Justice, should unquestionably feel it his duty to give his best attention, and, in a great measure, his support. He should give his assent to the second reading; but his noble and learned Friend must not consider that in taking that course he was pledging himself to support the Bill in its integrity. His noble and learned Friend had stated—and as far as he (the Lord Chancellor) was informed, he believed that he had stated truly—that there were very great defects in the existing bankrupt law of Scotland, and he was himself entirely persuaded that very material amendments were called for in that law; but he was not prepared at the present moment to state precisely what might be the best mode of reconciling that country to the amendments which were necessary. He believed that the introduction of official assignees would be a step most extremely important, and in the right direction; and he believed that the giving to some court the power of granting the certificate, instead of vesting it, as now, substantially in the creditors, would also be a great improvement. But this Bill was the introduction, substantially, into Scotland of the whole body of the English law of bankruptcy, as it was embodied in the Act of 1849. Now, from what had passed upon the subject of the bankrupt law of Scotland, in the course of the last Session, he much doubted whether such an introduction of the English system in its entirety, as it was the object of the measure to accomplish, would be conformable to the wishes or the feelings of the trading community of that country. He was not now going to enter into a discussion of the merits or demerits of the Act of 1849; he considered the country was under a deep debt of gratitude to his noble and learned Friend for his efforts to improve the bankrupt law of the kingdom; and in getting rid of the old system of bankruptcy in this country he conferred a very great benefit indeed on the community. He was reminded also, that the further alterations effected by Lord Cottenham, some ten or twelve years afterwards, by which the power over the certificate was transferred entirely to the Court, was another very great step. But his noble and learned Friend must pardon him for expressing the doubts which he entertained —doubts which he felt bound to express, although he was aware that he differed in opinion from his noble and learned Friend —as to the entire success of all the provisions of that measure of 1849. He would not trouble their Lordships with a parade of learning as to the origin of the bankrupt law. Down to a comparatively recent period the bankrupt law was in truth, little more than the administration by creditors of the estates of their debtors. That was substantially what was done, and it was, in fact, a matter entirely in the hands of the creditors. The effect of his noble and learned Friend's alteration, in the year 1831, had been to place this system under more effectual legal control; and although it turned out afterwards that the establishment of a court with four judges was more than was actually necessary, the substantial effect of the change was to place far greater power, in matters of bankruptcy, in the hands of a judicial tribunal than had ever been so vested before. This, he thought, was quite right, and the effect had been very beneficial. But the system had got to assume, since then, more and more of a penal character; and at the present moment the Commissioners who administered the bankrupt law exercised a very high penal jurisdiction. They had the power of sending parties to prison, in some instances for a year. At all events they had the power to send parties to prison for very undefined offences, and it was very difficult to define exactly what the Acts were which gave them that jurisdiction. They had the power also of giving what were called class certificates—those of the highest class certifying that the bankruptcy had not arisen from the misconduct or mismanagement of the trader; and there was a second-class certificate to the man whose bankruptcy had been partly unavoidable and partly caused by mismanagement. He knew that his noble and learned Friend was very much wedded to the excellence of this system of class certificates. He confessed, however, that he entertained considerable doubt upon the subject; and he knew that that doubt was shared by a very large portion of the Commissioners by whom the subject of the law of bankruptcy had been recently investigated. The Report of those Commissioners had only been placed in his hand about half an hour before entering the House that night, but in casting his eye over it he had seen that this was a subject upon which they were not agreed, and that a very large proportion entertained the doubts which he himself felt, as to whether the system of class certificates had been beneficial. On the other hand, he believed that in the City the opinion of his noble and learned Friend preponderated. [LORD BROUGHAM: It is almost unanimous.] At all events he doubted, as he had said at the beginning, whether the introduction into Scotland of the present bankrupt law of England, in all its new aspects, would be conformable to the wishes of any large proportion of the trading community of that country. There was a feeling there that by making the proceedings in bankruptcy a sort of *quasi* criminal investigation into the conduct of the party, the creditors would not be likely to receive so much as they might do under a different mode of examination. He believed that the proper course lay between the two extremes. But he also believed that when it came to be known in Scotland that his noble and learned Friend's intention was to introduce into that country the English law of bankruptcy in its entirety, there would be found to prevail a very strong feeling against it. He spoke not from conjecture. The petitions which were presented in the last Session plainly proved that although the people of that country wished to have the law amended, they did not wish to have it amended in an English sense. The Scotch bankruptcy law undoubtedly required amendment; and the present Bill for amending it was in such able hands that, whether it was carried out in its integrity or only in part, it was likely to be productive of so much benefit that he had not the slightest hesitation in saying, in agreeing to the second reading of the Bill, that the objects his noble and learned Friend had in view met with his entire and cordial concurrence. The course proposed was an extremely reasonable one—namely, that the Bill should be committed *pro formâ*, and that it should then go through an investigation. No doubt, whether it was conformable to the wishes of the people of Scotland or otherwise would be made manifest before that time by petitions.

LORD LYNDHURST asked if it was proposed to examine witnesses?

LORD BROUGHAM regretted that his noble and learned Friend (the Chancellor) had not answered the question whether he was prepared to take charge of the Bill.

THE LORD CHANCELLOR was of opinion that the Bill could not be better placed than in the able hands of his noble and learned Friend.

Bill read 2^a, and *committed* to a Committee of the whole House on *Thursday*, the 27th *instant*.

COUNTY COURT FEES—QUESTION.

LORD BROUGHAM said, he wished to ask his noble Friend opposite (the Earl of Aberdeen) whether he could hold out any hope of a speedy abolition of the County Court fees, as they formed a monstrous grievance to the suitors of those courts? He would say no more, but would simply refer to two or three cases to show the present working of the courts. The first statement he would read he had received from a respectable attorney in the City, who stated that in bringing an action for a client for payment of a debt of 14*l*. 3*s*. 6*d*. he had been charged for court fees only—for taxes only—the sum of 7*l*. 5*s*. 9*d*. This was an undefended cause in one of the County Courts of Middlesex; and he believed that if the unfortunate suitor had brought his action in the court of his noble and learned Friend (Lord Campbell), and had judgment by default, he would have been charged only 30*s*., or perhaps only 12*s*. 6*d*. [Lord CAMPBELL: Ours is the cheap shop.] It was no doubt cheap, and he hoped it was also good; but some shops sold cheap things which were very bad. The next case was one from an attorney in the country. The action was for damages for a trespass under the consent clauses of the Act—both parties had consented to the jurisdiction, and the damages awarded were 5*l*. They, however, did not consent for nothing, for the fees were 8*l*. 0*s*. 6*d*. That was the amount of the court fees and taxes to obtain a verdict for 5*l*. damages. The third case was an action for 18*l*., and the court fees were 10*l*.; but those were not all the expenses, for 6*l*. more was added for money expended, so that to recover 18*l*., the unhappy suitor had to expend 16*l*. This was the way the money was extorted by the taxes imposed upon the County Courts, and these were laid on in order to pay the salaries of the Judges' bailiffs and clerks, and for the support and repairs of the court-house; but in some places—as where these cases occurred—court-houses were ready for use, and therefore no expense was incurred in erecting others; but in Cornwall, Durham, and Northumberland, there were no court-houses, and thus these fees were taken in every place and thrown into a general fund, so that the London suitors paid for the Cornwall court-house. The Government was bound to provide places for dispensing justice, and these poor suitors ought not to be called upon to pay the expenses, from which suitors in the courts above were exempt. He really thought this extortion should not be allowed to last any longer, and he hoped and trusted he might hear of its being speedily abolished. The whole fees raised by the County Court taxes amounted to about 275,000*l*., while under the reduced scale of the Courts of Westminster only about 50,000*l*. was raised by fees. Well might his noble and learned Friend say his was the "cheap shop," when the superior courts received 50,000*l*. in fees, while the courts over which Mr. Serjeant Manning and other learned gentlemen presided raised 275,000*l*. All salaries in these superior courts were paid by the State; in the County Courts the poor suitors paid them.

THE EARL OF ABERDEEN said, that the subject which the noble and learned Lord had introduced was of much importance, but he was afraid that the answer which he had to give would hardly be such as that noble and learned Lord would consider satisfactory. It was a mistake to suppose that Government derived any revenue from these fees, or that the amount which they realised was more than was necessary to defray the expenses of the County Courts themselves. They might or might not be excessive, but at all events they were no more than sufficient for the purposes for which they were raised. Whether the public ought or ought not to take upon itself the payment of the charges to which the fees were now applied, was a question fairly open for consideration; but if the public should think fit to pay them, all he could say was, that the charges were very considerable, and that the amount which would have to be provided for would be about 140,000*l.* a year. It was a question for Parliament to consider whether the payment of that sum ought to fall upon the public or upon suitors. He granted that the amount which had been mentioned by his noble and learned Friend appeared to be excessive, and particularly when compared with the charges which were made in Westminster Hall. But their Lordships must see that the question was not one which could be considered in reference to these courts alone, and that it must be taken up, if at all, in connection with the whole legal and judicial expenditure of the country. The subject, he admitted, might, in that form, be a very fit one for inquiry; but, having conferred with his right hon. Friend the Chancellor of the Exchequer on the subject, he was not in a situation to promise to his noble and learned Friend any relief from those burdens which he had pressed so frequently and so strongly.

Lord CAMPBELL, having referred to the extent to which the evils of excessive fees and sinecures had been done away with in the superior courts, and acknowledged the share which that great man, Sir Robert Peel, had had in the removal of such abuses, said the Commission now sitting with respect to the County Courts would no doubt consider the subject of the excessive fees to which his noble and learned Friend had called the attention of the House; and if they could not—as he was afraid they could not—be altogether abolished, would at least recommend that they should be levied with some discrimination.

Lord BROUGHAM believed the Commissioners had already reported very strongly in favour of the abolition of the charges on the suitors to the extent of 125,000*l.* a year.

The LORD CHANCELLOR said, the Commissioners had not made any Report, but had agreed to certain resolutions.

MINISTERS' MONEY (IRELAND) BILL.

Lord STANLEY of ALDERLEY moved that the Bill be now read 2^a (according to order). The noble Lord said, that the tax called Ministers' Money was levied for the support of clergymen of the Protestant Church in certain towns in Ireland having large Catholic populations. It was a subject which had frequently been brought before the other House of Parliament, a Committee of which had reported in favour of its total abolition. However, it had been found that there was considerable difficulty in the way of giving effect to that recommendation, particularly as to the fund out of which the amount should be made up. It had been suggested that the deficiency should be supplied by the Ecclesiastical Commissioners, and certainly he for one regretted that when the church cess was abolished, and the Church Temporalities Act passed, some provision had not been made in reference to this tax, which was but 15,000*l.* a year. The measure now before the House, though not going to the extent which the Commission had recommended, would, he believed, remove many of the evils incidental to the present state of the law. It would exempt all houses under 10*l.* a year and all new houses, and would provide that no house now assessed should be charged at a higher rate than hitherto. It would in fact relieve 30,000 houses out of 50,000, and he thought that for the sake of the Protestant Church, as well as of those who paid the tax, the House would be anxious to adopt it.

The Earl of DONOUGHMORE admitted that this tax had been the source of a great deal of dissatisfaction and of heart-burning in those towns in Ireland in which it existed. He thought that some provision with regard to it ought to have been included in the general measure which was passed some years ago, but he believed that, as a compromise, this measure would be satisfactory to both parties.

Lord CAMPBELL also supported the measure as a compromise which he thought ought to be satisfactory, and which he hoped would have the effect of putting an end to heart-burnings and restoring peace.

Bill read 2^a, and *committed* to a Committee of the whole House on *Monday*, the 1*st of May* next.

PARLIAMENTARY REPRESENTATION—QUESTION.

The Earl of HARDWICKE said, that before their Lordships adjourned, he must request their indulgence whilst he put a question to the noble Earl with reference to a measure relating to the Parliamentary representation, which it had been stated it was the intention of the Government to introduce. Since entering the House, he (the Earl of Hardwicke) had understood that in the other House of Parliament a statement had been made leading to the belief that the measure was abandoned. He should be glad if the noble Earl would state to their Lordships whether the Bill was abandoned or not, as it would be desirable that their Lordships should receive such information from the Government, and not through the medium of the public papers? It was stated in the other House, by the organ of the Government, when the Reform Bill was introduced, that a circumstance so light as that of war should not interfere with the progress of Parliamentary reform. He was, therefore, desirous of asking the noble Earl whether it was true that the Bill was now abandoned; and if so, upon what ground it had been abandoned? He was aware, in asking this question, that the answer would probably afford a pleasure to him which might not be shared by other noble Lords.

THE EARL OF ABERDEEN: My Lords, I have always thought it desirable not to trouble your Lordships upon the subject of a measure not formally before you. The measure to which the noble Earl has referred was introduced into the other House of Parliament; and though I am ready to answer any question which the noble Earl may wish to put, I did not feel it incumbent on me to bring it before your Lordships' attention. In answer to the question of the noble Earl on this subject, I have to state, what I have stated more than once, that in complance with the declaration and recommendation made by Her Majesty in Her Speech from the Throne, that a measure for the reform of the representation of the people in Parliament should be introduced, Her Majesty's Ministers prepared and introduced a measure which, in their opinion, was likely to fulfil the object indicated by the Queen in Her Speech, and the expectations which the public had entertained with respect to it. They have seen no reason to alter the opinion they entertained respecting the character of that measure so introduced. It is true, as the noble Earl says, that the measure has been, I will not say abandoned, but withdrawn for this Session—not in consequence of any change of opinion with respect to its importance or character, but from what must be manifest to all your Lordships, that, in the interest of reform itself, this was clearly not the time when it was advisable to press it on the attention of the House and the country. Whether that war which has prevented its progress be light or not, as the noble Earl has said, this is clear, that though I, for one, must maintain the existence of a state of war is no sufficient reason in itself for not proceeding with the consideration of measures essential and important for the interests of the country, still I must admit that, if that state of war so indisposes Parliament and the country from giving that indispensable attention to an important subject, it is quite impossible to press it upon their attention. Under these circumstances, and without in the least diminishing the importance of the subject, of which we continue to entertain the same views, or of the measure we have introduced, of which we also entertain the same opinion, we have thought it indispensable to withdraw the measure for the present Session, reserving to ourselves full power for renewing either this or some equivalent measure, as may be thought expedient, as early as the state of the public mind and of Parliament will enable us to do so with a prospect of success.

LORD CAMPBELL observed, that as the noble Earl (the Earl of Hardwicke) had intimated that the announcement of the withdrawal of the Reform Bill for the present Session would by some of their Lordships be heard with regret, as a friend of reform, as a friend of the present Government, and as a friend of the British empire, he (Lord Campbell) rejoiced in that announcement, and considered the postponement as manly and sensible.

House adjourned to Thursday, the 27th instant.

HOUSE OF COMMONS,

Tuesday, April 11, 1854.

MINUTES.] PUBLIC BILLS. — 1° Hustings Expenses; Stannaries Court (No. 2); Canterbury Bribery Prevention; Cambridge Bribery Prevention; Kingston-upon-Hull Bribery Prevention; Maldon Bribery Prevention; Barnstaple Bribery Prevention; Wreck and Salvage; Witnesses.

POSTPONEMENT OF THE REFORM BILL.

LORD JOHN RUSSELL: Sir, in rising to move the Adjournment of the House, I will first address myself to the immediate question of the day to which the House is to be adjourned, and then proceed to the business which is to be brought forward after Easter. The day to which I had proposed that the House should adjourn was Monday, the 24th instant; but I have found, with regard to various important subjects that I propose to fix for that day, that there has been a very general unwillingness on the part of Members who wish to take part in the discussion of those measures—whether it be the Oxford University Bill, the Railways Bill, just mentioned, or any other measure of importance—to have that business in which they take an interest fixed for the first day after the recess. I have likewise, with some satisfaction, to say that we have not at present, as frequently happens, any estimates to bring forward immediately after the recess. I find also that Her Majesty has been pleased to fix Wednesday, the 26th, for a day of fasting and humiliation, when the Members of this House will probably wish to be in the neighbourhood of their homes; therefore, there will only be two days, the Monday and Tuesday, upon which unimportant business would probably be brought forward, and I think that it will not be desirable that Members should be brought from their homes for that object on those days. I propose, therefore, to alter the Motion by naming Thursday, the 27th, instead of Monday, the 24th of April, as the day to which the adjournment shall run.

I will now proceed to the question which was asked me by an hon. Gentleman yesterday, namely, with respect to my intention as to bringing forward the second reading of the Reform Bill on the 27th instant, and which measure was introduced by me as the organ of the Government at the commencement of the Session. I fear it is necessary to make a statement of some length before I go on to state the course that I mean to pursue. The House is aware that Lord Aberdeen, on the formation of his Government, declared to those who accepted office under him, and also declared in Parliament, that a measure of Parliamentary reform would be one of the measures which would constitute the basis on which the Government would be formed. The Members of the Government who accepted office at that time, of course, accepted their offices with that understanding, and consented to that proposal. I mention this, Sir, partly because I think it is stated in an invidious manner that my personal honour is alone concerned in the carrying on of this measure. I consider, Sir, that my personal honour was engaged when the question was, whether I would consent to serve under the Crown as a Member of Lord Aberdeen's Administration? If Lord Aberdeen had said that it was not his intention to propose or adopt any measure of Parliamentary reform, and I had consented to be a Member of that Administration, I might fairly have been questioned by this House, and my personal honour might have been called in question; but from the moment that Lord Aberdeen made that declaration, and his Colleagues accepted office on the faith of that declaration, the question of personal honour regarded not me alone, but regarded all the Members of that Administration. Sir, Lord Aberdeen and his Colleagues stated at the time that they did not think that, with the pressure of the immediate business before them, with the finances unsettled, with the India Bill requiring immediate attention, and the other important measures before them, it was possible to bring forward a measure of Parliamentary reform during the last Session; and I think there was no question of serious importance raised as to the propriety of that determination. But during the recess the Cabinet applied themselves most sedulously and deliberately to the consideration of this important measure, and a measure was framed which I had the honour of introducing to this House on the 13th of February last. Sir, I see no reason to consider that that measure was inadequate to the occasion, that it was based on wrong principles, that it was carried to too great an extent, or that its provisions were not adapted to reform and to conserve, which I have always considered ought to be the object kept in view in any measures of this kind.

Sir, at the time Her Majesty declared in Her Speech from the Throne that such a measure would be proposed, and at the time when I brought forward the measure in this House, there was great probability of a war with Russia, although no rupture had actually taken place, and it was still possible that the negotiations might have been terminated by a pacific arrangement. Unfortunately that was not the case; but while those negotiations were still pending I proposed an adjournment of the second reading of this Bill to the period now in question, namely, the 27th of April. I did so upon the ground that very important questions were then before the House relating either immediately to the preparation of forces for supporting the war, or to the supply of means for the payment of those forces. I stated then, as I had stated on a previous occasion, that I did not consider that, abstractedly, a state of war was a sufficient ground for not proposing a measure of Parliamentary reform. I stated that there might be circumstances, such as those which occurred at the commencement of the war in 1803, which might so occupy the attention of every man that it would be impossible to propose any measure of that nature; but I added that I did not think the general fact that this nation was engaged in a war with Russia should be a sufficient reason for not passing during that war such a measure of internal reform and improvement as I have proposed. Sir, I see no reason to retract that opinion; nor do I think that any person will differ from that statement, or consider it impossible or inexpedient during a state of war to bring forward measures of internal improvement and reform, including such a measure as the one I have referred to. I stated likewise, that I thought that during a period of war it was necessary to impose great burdens upon the country, and that if there were classes who were fitted to have the elective franchises, and had them not, and were entitled to them, but did not enjoy them, at the same time that they had to bear those burdens, it was far from being an unfitting time to admit them to those franchises. Sir, from neither of those opinions do I see any occasion to recede. But, Sir, when war was declared, it was to be considered by the Government whether or not, at this particular time, we should proceed with the second reading of the Reform Bill. Now, it is not to be disguised that a Reform Bill of any extensive nature attacks many interests, wounds many prejudices, and loses many friends; and it cannot be denied also, that if the stream of reform is sluggish, those weeds of self-interest and prejudice embarrass and completely choke it up. Now, Sir, we have had to look at the prospect of our being able to carry the Reform Bill in the present state of public opinion both in this House and in the country. Now, I think it will be generally owned that, while there has been an indisposition on the part of Members of this House, as far as I can collect their opinions, on whatever side of the House they sit, to undertake the consideration of this question, there has been in the country not a disapprobation of the measure that we proposed, but an indifference as to its being immediately urged forward. I collect this, first, from the absorbing interest which it is evident all the people of this country take in the war that has now begun—an interest which is quickened by their feelings in favour of the Power that is attacked, and against the aggressor in this war. I collect it, secondly, from the absence of manifestations in favour of reform by petitions presented to this House. I think there has not been more than eleven petitions of the kind presented to this House, and of these not more than four are in favour of the measure before the House. Now, Sir, as I have said, I do not think this is to be attributed to disapprobation of the measure of the Government. As far as I can learn, by applying and asking in various quarters, the judgment passed upon that measure is not one of disapprobation. It has been considered that it extends very largely, but not unduly, the franchise of the people; and it has been considered, that with regard to any penalties of disfranchisement it may contain, whether that disfranchisement is carried too far or not far enough, or whatever may be the measure of it, it has at least been applied fairly, without any reference to party interests or feelings whatever, and that, therefore, the Government measure is at least worthy of commendation in that respect. But whether or not its particular provisions are, on the whole, well combined, or whether every one of its clauses may be approved of, upon that I think neither this House nor the country is at present able to give an opinion, from that want of attention to its details which I have already mentioned, and from the absorbing interest in the war to which I have alluded.

Sir, I have considered all these things —the Government have considered them —and the Government of which I am a Member have come to the conclusion that it would be unwise, whether as regards the general interests of the country, or whether as regards the interests and the feelings of those who look for reform in our Parliamentary institutions, to press the second reading of this Bill in this Session. Sir, I feel, and every one must feel, the great force of the observation made on a previous occasion by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), that it is exceedingly inconvenient to have a Bill before the House of Commons containing, as this Bill contains, provisions for the disfranchisement of several seats in this House, seats for which hon. Members are voting at present, and no decision to be come to on the part of the House as to whether that Bill was approved of or disapproved of—whether it should or should not be carried into effect. I am not at all disposed to diminish the weight of this objection to any further postponement of the measure in question. I think it a matter to be regretted that Her Majesty having twice advised in Her Speech from the Throne—and I am one of those who advised Her, I admit—to propose to Parliament the consideration of measures for the amendment of the representation of the people, in neither instance has that proposal been taken seriously into consideration. For I own, Sir, I cannot accept the excuse which has been made for the course which I admit also that I am ready to adopt on the occasion, that the Government having introduced a measure on the subject and laid it on the table of the House, that their part in the matter has been accomplished. On the contrary, Sir, I cannot but think that, having introduced this measure to Parliament, the Government were also bound, under ordinary circumstances, to do all that lay in their power to carry it into effect by passing it into a law. I should be sorry, speaking for myself, to evade any pledge which I may have made on the subject, on that or any similar grounds of extenuation. But, Sir, great as the evils and inconveniencies are of the course in question, I think that to adopt any other course would be attended with evils still greater, as well as with practical difficulties of an almost insurmountable character. We could hardly propose the second reading of this Bill, for instance, without declaring at the same time our intention, if we should be defeated on it, of resigning office, or of at once proceeding to an immediate dissolution of Parliament. The House will, I am sure, admit that either of these courses, which form the only alternatives, is attended with great danger as well as great practical difficulty. Well, Sir, but then, on the other hand, it might seem to follow from this dilemma—and in ordinary circumstances it would follow—that a Government proposing a measure—a measure which they declare to be of essential importance to the happiness and welfare of the country—a measure which affects the representation of the people of this country in Parliament—a measure in which great issues are involved—and then coming down to the House to admit that they do not feel obliged to go through with it in the present Session, is not free from the imputation of blame. But, Sir, here again a great duty intervenes in the consideration of the question. The Ministers of the Crown, it is in the recollection of every hon. Member, have but very lately brought down to both Houses of Parliament a Message from the Crown, asking the support of Parliament for the Crown in the arduous and possibly the protracted struggle of which we are in the commencement. I say, Sir, it would not be compatible with our duty to the Crown and to the country on this occasion, except in a case of the utmost necessity, to shrink from the posts we occupy, and to decline the responsibility which belongs to the prosecution of that war in which we have advised Her Majesty to embark.

But then, in my defence, as regards the Reform Bill, and the position of the Government in reference to it, I may be asked—and I am quite ready to answer the question—how stands the question of reform itself as regards the Government? Sir, the first thing I shall say on that point is, that the Government of Lord Aberdeen on accepting office adopted the pledge which they gave on the subject of reform in all sincerity; that they are ready to abide by it, and that they hold themselves as much bound by the principles of reform in the representation of the people now as they did on the very first day on which they entered office. With regard to any more specific pledge I can only say that the Cabinet when it adopted the reform measure now before the House, saw no reason then, and see no reason now, to change the opinion which they entertain with regard to the principles and with regard to the general scope and object of that measure. I will say, moreover, that they consider themselves, in fact and in substance, as much in approval of the measure at this moment as when it was first brought in. They can only say, further, that when an opportunity presents itself they will be quite willing to embrace that opportunity, and to bring forward again a Bill for improving the representation of the people in Parliament; that is to say, when Parliament can afford time properly to attend to the subject; and that they will be ready when they bring forward that measure to bring it forward with the weight of Government, and to carry it, if possible, to a satisfactory conclusion. Of course I do not mean that the observations which have been made upon the measure will not meet with due attention, or that modifications in some of the details may not be considered before it shall be reintroduced. We think we should ill represent the people of this country at large if we did not pay due deference to public feeling in the matter on these points. But the principle of the measure we are ready to abide by; and the Government in that respect remains the same as it was at first constituted—that is to say, a Government based upon the reform of the representation of the people of this country in Parliament. Sir, these conclusions are new and unprecedented, because the circumstances which have led to them are new. A Government entering on a war of the magnitude of that with which we are menaced, proposing a measure so large as this, is a circumstance that has not occurred in the constitutional history of this country, and we are bound, therefore, to consider our own sense of duty in the course which we see fit to pursue in the matter.

Now, Sir, may I be permitted to say a few words, after stating the position of the Government, on my own position as the organ of the Government in the matter. Sir, the course which I have pursued exposes me, I am well aware, to all those weapons of taunt and sarcasm which the right hon. Gentleman opposite (Mr. Disraeli) knows so well how to wield. They are the fair weapons of opposition at all times, and I have been long used to them, and I should not complain of them if they were wielded by even more than the skill and dexterity with which they are used by that right hon. Gentleman. But, Sir, it is a different thing with respect to those hon. Members supporting the present Government, who are attached honestly and earnestly to reform. With respect to them, I must say, that when the statement I have made is held to be open to suspicion, such suspicion can hardly be entertained without weakening and destroying my utility and my position as the organ of the Government in this House. If I have—[The noble Lord appeared now to be affected by deep emotion, and paused. Meanwhile he was loudly and repeatedly cheered from both sides of the House.]—If I have done anything in the cause of reform, I trust that I have deserved some degree of confidence, but, at all events, I feel that, if I do not possess that confidence, I shall be of no use to the Crown or to the country, and I can no longer hold the position I now occupy. These, Sir, are times of no ordinary importance, and questions arise of the utmost difficulty. I shall endeavour to arrive at those conclusions which will be for the best interests of the Crown and of the country, and I trust that I may meet with support. I have now, Sir, only to move that the House at its rising do adjourn to Thursday, the 27th of April.

SIR EDWARD DERING said, he felt that the House were under the deepest obligations to the noble Lord for having extricated them from a position of no little difficulty—and, after what the noble Lord had just said with regard to the unwillingness of the House and the apathy of the country on the subject of Parliamentary reform, he thought the noble Lord himself must be convinced that the course which he had thought it his duty to adopt was not only a sound course, but one entirely in accordance with the voice of the nation. The noble Lord had intimated his intention of introducing at some future period a Bill of a similar character to that which he had now abandoned, but he had most wisely abstained from fixing any particular period for its introduction. In critical times like these, who would be bold enough to say what would be the position of the country at the close of the present year? All they knew was, that at that moment they stood on the very threshold of great events. They were on the eve of a great European struggle, of which no living man could foretell the issue. They had sent forth as gallant a fleet and as noble an army as ever quitted the shores of this country; and though they might say, as the noble Lord did on a former occasion, " God defend the right," still it would be an act of nothing less than the wildest presumption for any man to predict that one brief campaign would be sufficient to annihilate the colossal power with which this country was now at war. Whenever a fitting opportunity should arise for discussing a subject of such gravity and importance, the great majority of that House would, he doubted not, be prepared to entertain and discuss in a liberal spirit a sound and comprehensive measure of Parliamentary reform. The present House of Commons had shown itself more desirous than any which had preceded it of reforming the abuses of the representative system. If he wanted a proof of the existence of a reforming spirit amongst them, he need only refer to the manner in which the House received the Bill introduced by the noble Lord for the suppression of bribery and corruption. That Bill was hailed by both sides of the House as being well calculated to put down that system, which, as they must all feel, not only tainted the reputation of those who were personally concerned, but tended to lower and degrade the character of that House in the estimation of the people. In the few words which so much moved the sympathy of the House, the noble Lord referred to his own pledges, and to the manner in which his personal honour was concerned in this Reform Bill. He (Sir E. Dering) felt assured that the House and the country would do ample justice to the motives which induced the noble Lord gallantly to redeem his pledge by introducing this measure into Parliament; and he was equally sure that that House and the country would no less appreciate the moral courage which the noble Lord displayed in withdrawing the Bill spontaneously when circumstances entirely beyond his own control had rendered it undesirable to proceed with it. The difficulties which attended the further progress of the Bill were altogether insuperable; they involved, as the noble Lord said, either the dissolution of Parliament or the dissolution of the existing Government; and at such a crisis as that at which they had now arrived, when it was of such vital importance to secure unanimity in their Councils, to conciliate the energies of Parliament, and to strengthen the hands of the Government, he felt convinced that he was expressing the opinion of the great majority both in that House and in the country, when he said the noble Lord had exercised a wise discretion in withdrawing altogether a measure either the adoption or the rejection of which would have entailed consequences most injurious to the present and the future welfare of the country.

Mr. HUME said, in that House there were two classes, who looked upon the Bill before them with very different views. One class would resist all reform; the other, of which he was a member, was anxious to carry various reforms for the improvement of the representation. As a Radical Reformer he had supported the noble Lord in many of his schemes for upwards of thirty years, and he could well understand the noble Lord feeling sensitive with regard to a suspicion that he had been a party to anything like a pretence. He, for one, had not the least doubt of the noble Lord's sincerity, though he was one of those who had been anxious to press the Bill to a second reading, on the ground that the country expected the measure to be carried. He could not admit that there was any want of feeling and sympathy on the part of the country. Had any attempt been made to get up petitions against the Bill, he was convinced a very different spirit would have been manifested from that which had been supposed to exist. But, although he did not admit that there was any want of sympathy, the question which he had put to himself when he heard what had been stated by the noble Lord, and he saw what was going on around him was this—how could he best secure that reform which he deemed essential for the interest of the country? As a practical man he asked himself whether the measure was likely to be forwarded by being pressed, and under the new circumstances which had arisen since it was introduced. If the Government were defeated on this Bill and remained in office, there would be an end of all character in public men. He could not conceal from himself that if the measure were pressed, the Government might be driven either to dissolve Parliament or to resign; and in the present state of affairs it would be madness to contemplate either of those events calmly. He had had, perhaps, as wild views on the subject of reform as any one, matured, no doubt, by long practice; but he should be unworthy of the confidence of his constituents if he could contemplate without alarm a dissolution of Parliament at the present time, with the Army in the field and the fleet at sea, and when such an event might stop negotiations. On the other hand, if the Government were forced to resign, he could not satisfy himself that there was any class of individuals who might be called to office on the resignation of the present Ministry who could do so much justice to the country as the present advisers of the Crown. It was true that the Government was a Government of compromise; it was no less true, that the Reform Bill which had been introduced was a conservative measure. He would ask some of those hon. Gentlemen on the other side, who in 1831 and 1832 were as loud against reform as now, whether they did not look back with satisfaction to the measure which then passed, and whether what had happened in Europe and in this country since that time, was not sufficient to induce them not to be adverse to those measures of reform which a due regard for the safety and preservation of the Constitution rendered necessary? But when he looked at the position in which the country was at the present time, he felt bound to say, although with the greatest reluctance—a reluctance which could not be exceeded on the part of any hon. Member—that the Government had no other alternative than to pursue the course which had been taken that night by the noble Lord. In saying that he must, however, repeat that he had the greatest confidence in the noble Lord, and in the declaration he had made, that he would, as soon as circumstances permitted, bring forward a measure of Parliamentary reform which would meet the wishes of the country, remove those blemishes which existed—and they were not a few—and strengthen the Constitution by widening the basis on which it stood. By following this course the noble Lord would spread that contentment and satisfaction which were essential to the well-being of this, as of every other country. There was another portion of the noble Lord's speech which was satisfactory to Reformers. He had not stated that the measure would be pressed in all its points—as it stood at present—at some future period, but that upon what had passed Amendments would be grounded. Perhaps the future measure would be more extensive. However that might be, he (Mr. Hume) felt it his duty upon this occasion, as one who had been a Reformer as long as anybody in that House, to look to practical measures and to say that he believed the prudent course which the Government had taken to be the best one; and he hoped, after the declaration and the evidence of feeling which had been shown on the part of the noble Lord—and which was much to his honour—that his hon. Friends near him would give that credit to the noble Lord which he did.

Mr. BRIGHT said, he was not present on a previous occasion when the noble Lord announced the postponement of the Reform Bill. If he had been present he should have remarked on certain things then said, which now he was not allowed to refer to; but he thought the concluding observations of his hon. Friend the Member for Montrose (Mr. Hume) reflected somewhat upon an hon. Friend (Sir J. Shelley) behind him. The hon. Member for Westminster had on that occasion, with what was then a proper feeling, expressed an opinion that if this Bill were withdrawn or postponed merely because hon. Gentlemen on the Opposition side of the House so wished, and without any pressure of circumstances which made it impossible for the Government to proceed with it, then there would be danger that Reformers might think that the measure was introduced without any intention to carry it, and the character of the Government would consequently be damaged. That was a reasonable thing to say, and he was surprised to see that it led to so much warmth, and, he might say, acerbity of feeling. Had he been present on the occasion to which he referred, he should have commented on what fell from the hon. and learned Member for Bath (Mr. Phinn), who took the liberty—["Order, order!"] He was only going to tell the House what he should have said had he then been present. Had he been present he should have objected to any person expressing the opinion that he (Mr. Bright) had criticised the present Reform Bill merely because it interfered unpleasantly with the position he held in respect to Manchester. He was not afraid of having another person in his bed of down, as the hon. and learned Member was pleased to call it, but he should be glad to have three or four more, in proportion to the wealth and importance of the city. Had he been present on the former occasion, he should not have objected to the postponement of the Reform Bill, and he did not rise now to oppose the abandonment of the measure, because everybody felt that, with the exception of two nights in the week, when the Government had business before the House, there seemed to be nothing to do, because everybody thought it was quite impossible to do anything; they might talk and gossip and go away at an early hour, but they all felt as if the prorogation would be the most comfortable thing that could be done for them. Such being the case, the noble Lord was not required to accomplish an impossibility. The noble Lord had been a political Samson in his day, and had done many things to make his name remembered with honour as a Reformer; but he was not expected to effect an absolute impossibility. He (Mr. Bright) had never for a single moment doubted that the honest object of the noble Lord was to improve the representation of the people in that House. Remembering the measure which the noble Lord introduced in 1852, which proposed to give the franchise to 5*l.* ratepayers in boroughs, and also the measure which the noble Lord introduced in the present year, extending the franchise to 10*l.* occupiers in counties —no one, bearing in mind that those two measures proceeded from a Minister who, for about thirty years, had been specially connected with this question of reform, could feel otherwise than convinced that the noble Lord was just as honestly of opinion that a wide extension of the franchise was not only safe but desirable, as he (Mr. Bright), or any other person not holding official position, might be supposed to be. It would require a great amount of malevolence, and also a large amount of stupidity, to say that, as far as regards the extension of the franchise, the noble Lord was not honestly anxious that a great number of the population should be placed upon the electoral roll, and made to feel that, though their position was not elevated or their circumstances wealthy, they were still citizens of this country, and, being so, had a right to take part in elections for Members of Parliament. But there was one point, and it was with respect to it that he principally rose to say a word—namely, that it must be borne in mind that the present Reform Bill proposed to touch not less, he thought, than ninety-three seats in that House. The Irish Bill, he presumed, would also affect a certain number of other seats, and it was not likely, as the House would feel, and as the noble Lord knew, that a measure of absolute disfranchisement to a considerable extent, and intended to touch also a great many seats (it might be with doubtful results as to leaving a Member on the one or the other side), would be received with alacrity by the House, unless there existed such a feeling out of doors as would act like steam upon a locomotive, and force the House to do something which it would not otherwise do. That was precisely the point on which they found themselves fixed. The noble Lord and his Colleagues had advocated the policy which had landed the country in the present war, and, though he (Mr. Bright) could blame them for that, he did not know that the majority of the House could, because, as far as could be recollected from the speeches of the right hon. Gentleman opposite (Mr. Disraeli), of his leader in another place, and of other Members of Parliament, there appeared to be a disposition on the part of the majority —it might be a large majority—to support the Government in the measures taken with respect to the war. Under these circumstances, the House had no right to reproach the Government for any course they might now think fit to pursue, whether with regard to the postponement, withdrawal, or total abandonment of the present Bill. Another circumstance constituted a great difficulty in the way of proceeding with the Bill, and that was indifference out of doors—a feeling which the hon. Member for Montrose would fain persuade himself did not exist. He (Mr. Bright) was the only Member in that House professing to be in favour of reform who had out of doors criticised adversely the present Reform Bill; and, as the noble Lord hoped that he, with Colleagues, more favourable perhaps to reform than some of those now associated with him, might hereafter propose a Reform Bill with success, he (Mr. Bright) would take this opportunity of stating how it happened that indifference was the feeling chiefly exhibited by the public in respect to the present measure. Before the measure was brought forward the organs of the Government wrote frequently on the subject. The *Times* wrote against any extension of the borough franchise, and the *Edinburgh Review* suggested that no reform whatever was necessary at all. The *Morning Chronicle* published letters, from which some portion of the present Bill, showing no tendency in favour of popular representation, was said to be taken. The noble Lord the Member for Tiverton (Viscount Palmerston), with remarkable alacrity, jumped out of the Cabinet, and in ten days afterwards jumped in again, upon this question of Parliamentary reform. He did not know what concessions the noble Lord demanded in order to resume his seat in the Cabinet, but, in all probability, some concessions were made, and, perhaps, to them were due some parts of the present Bill which had involved the Government in a difficulty in respect to obtaining the sanction of public opinion in favour of the Bill. However, the Bill was launched, and he (Mr. Bright) came down to the House, hoping, after the noble Lord's (Lord J. Russell's) speech, to be able to say something in favour of the proposition, but he was not able to do so, for, to use the words of a very judicious gentleman, a supporter of the noble Lord, and formerly a Member of that House, it was a conundrum and mystification, and the people of this country did not like conundrums and mystifications. The hon. Member for Montrose took a different view of the measure, speaking of it as an instalment and a step in the right direction, and advising people to take what they could get. Now, if the noble Lord had simply limited the Bill to the enfranchisement clauses with respect to the county and borough franchises, and to the provision repealing the ratepaying clauses of the existing Act, in all probability the House might have pressed the measure notwithstanding the state of foreign policy. The other clauses, extinguishing sixty-two seats and re-distributing the Members to other constituencies, might then have been left over to some other Session, when there would be a better opportunity of entertaining and discussing them. He had been in hopes that the noble Lord would have done so, and then he should have concurred with the hon. Member for Montrose in thinking that some great advantage would have been gained, and that the Session would not have been utterly fruitless with regard to this question. But he wanted to tell the noble Lord—and he never spoke with a less hostile feeling towards him than at the present moment—for, after his speech, it was impossible for any man, on whatever side of the House he sat, to indulge in recrimination against him—he wanted, he repeated, to say that the noble Lord seemed to have forgotten how it was that he carried his Reform Bill in 1832. That measure was carried only by the cordial and heartfelt response from all the towns in the United Kingdom; but, in the present Bill he was unable to discover what should induce the towns of England to support it. He had been charged with indulging in the crotchets of the Manchester school when judging the present measure, as if he would consent to no Bill but what he himself drew. Now, it might be a warning to any Minister charged with a future Reform Bill, if he showed in one or two instances how the Bill failed in obtaining the sympathy of the town population. He admitted that the Bill increased the right of voting, but it gave the vote without the power, and the man who could shout outside the polling-booth was in as good a position as the man voting inside of it, unless the vote carried with it a free and honest share of power in the election of a Member of Parliament. The noble Lord in his Bill was not illiberal, certainly, with respect to the county franchise, and had shown a fair disposition—carried out, however, in a complicated manner—to give the vote to the inhabitants of towns; but there was one fatal defect in his Bill. The noble Lord took sixty-two seats, and only gave fourteen to boroughs, eight of them being given to the minorities in the boroughs, and, consequently, the great towns of England were not likely to be enthusiastic in favour of a measure which gave Members to counties already over-represented, and overlooked the claims of the great borough constituencies. The hon. Member for North Warwickshire (Mr. Spooner) smiled at this statement, but, ever since 1832, all the great measures which had been passed had been carried to a large extent by the honest sympathy and votes of the representatives of great towns, and in any Reform Bill it would be impossible to overlook the claims of those towns. Another point to which he wished to refer was, that, while the metropolitan boroughs, with a population of 2,000,000, had only eighteen Members, eight agricultural counties, with a similar population, had ninety Members. That was not a satisfactory state of things, and he advised the noble Lord, whenever he touched the representation again, to take six metropolitan boroughs, averaging for each a population of 320,000, and to divide them into twelve boroughs, with a population of 160,000 for each. The noble Lord would then find that he would have a constituency in each borough of 9,000 or 10,000 electors, the metropolis would be better represented, and if there were conservative, wealthy, and timid classes, not now able to be represented in the present overwhelming constituencies, they would at least have a better chance in smaller. He would not go into the consideration of the details of the present Bill, because he did not wish to find needless fault with it or to keep the House from the consideration of other business. He would only say that it was his opinion that the time would come soon when the people, who were now just as decided in their feeling for reform as ever, would demand that it should be accomplished. If the present war should be of a protracted character, then a protracted war brought with it heavy taxation, suffering trade, and increasing discontent, and the very people who had clamoured for the war would turn round in a very short time, and assume, however untruly, that if they had been better represented in all probability there would have been no war. He would, therefore, advise the House to be prepared to improve the representation at some future period, and he would ask the noble Lord not, because circumstances prevented him in the present Session from carrying out his cherished idea, to give up the idea entirely; but, in whatever measure he might hereafter propose, let him show the people of this country that he had confidence in them, and that he was willing to make to them generous and great concessions. Let the noble Lord show the people that he felt confident that admitting them to the enjoyment of the franchise and political power would only increase their respect for the Government of the country and their obedience to the laws. He did not blame the noble Lord for the course he had taken on the present occasion, and he only hoped the noble Lord would not be discouraged from again coming to the consideration of the subject at an early and happier time, and producing an honest, simple, and well-defined Bill, so clearly good that the people everywhere should acknowledge it to be good. If such a Bill should be proposed, the noble Lord would not have to complain of the indifference of the country, but would be able to carry his measure to a successful issue.

Mr. LABOUCHERE said, he did not rise to follow the hon. Gentleman (Mr. Bright) in a discussion on the Reform Bill, which was not now before the House, but, having for many years acted with the noble Lord (Lord J. Russell), he could not deny himself the gratification on the present occasion of stating that, in his opinion, the course taken by the noble Lord was dictated by the soundest policy, and would give him an additional claim to the confidence and respect of those who had for many years looked on him as their guide on political questions. He believed that the noble Lord had acted with his wonted integrity and courage, and he was sure that a fatal blow would have been given to the hopes of those who desired to see progressive and well-considered improvements introduced in the representative system, if the noble Lord, at a most inopportune period, and against the feeling of the country, had, from any false shame, or any mistaken desire to support a supposed consistency, taken a step which would have seriously injured the cause of Parliamentary reform. The hon. Member for Montrose had stated that he did not believe that there was indifference or apathy on the question of Parliamentary reform in the country. He (Mr. Labouchere) could only say that, as far as he was able to judge, the country, absorbed by the magnitude of the contest in which it was about to engage, would have viewed with the utmost distaste the Parliament wasting its time, as it would have been, in discussing this question on the present occasion. He happened, the other day, to fall in with a friend who came from Scotland, and who was well able to judge of the political feeling there. He asked that gentleman what they said in Scotland about the Reform Bill; and his reply was, that they said nothing at all about it. He thought that, in the present state of public feeling, it would have been madness in the Government to have attempted to proceed with this measure. The House and the country expected something very different from the Government, for we were now in a most critical state, we were at the beginning of a war of which no man could see the termination. Never had any Government received greater support than the present Government had received to enable them to carry on the war. The House had refused them nothing, but had voted large fleets and armies — money, confidence, everything they had asked for. We had a right to expect from them, in return, united counsels—we had a right to expect that their undistracted attention would be devoted to the one great object, and these things were perfectly inconsistent with their embarking in the discussion of a measure which would naturally rouse all the passions of the House and the country, and would give rise to those differences of opinion which must always exist on subjects of this description. He would not detain the House any longer, but he had been desirous of expressing his satisfaction with the course that the Government had pursued, which was not only the best, but which was the only course that they could have pursued. They had no choice on the subject, and he believed that no one in that House, who was attached to the principles of reform and was a supporter of improvements in the Constitution, would have heard without the greatest consternation an announcement on the part of the Government that they intended to bring this question forward under the present circumstances of the country. He trusted that the question would be brought forward at a more fitting period, but he believed that to have proceeded with the measure at present would have been fatal to all rational reform, and would have led the country into the most serious difficulties.

VISCOUNT JOCELYN said, he trusted that the House would allow him to offer a few observations upon the subject of the noble Lord's statement. Two months since he had put a question to the noble Lord similar to the one which had been put by his hon. Friend (Sir E. Dering). He then regretted the view which the noble Lord took of the subject, but he had put his question, not with any intentional hostility to the noble Lord, but because he felt that it would be inexpedient to discuss the subject in Parliament at the present moment; and he thought that the noble Lord would be no party to bringing before the House a question of this nature if he did not intend to carry it through, and he was certain also that the result of his so doing must be either the disruption of the Cabinet or else the dissolution of Parliament. It was admitted that either of these eventualities would be injurious to the country, and he had felt certain that a consideration of the public interest would at length induce the noble Lord to take the course which he had now taken, a course which was most honourable to him, as he had sacrificed his own personal feelings to what he believed to be the public good. It was his (Viscount Jocelyn's) conviction that the public mind was now only occupied with one great subject, namely, the conduct of the war. We were about to engage in a war of which we could not tell what might be the result, and which the public desired should be carried on with energy and vigour; and that result could only be obtained by unity in our counsels, and by forbearance being shown not merely by the opponents of the Government, but also by the Government itself, towards the various prejudices and opinions entertained by Members of that House. The right hon. Baronet the First Lord of the Admiralty had but acted fairly, when he thanked the opponents of the Government for their support in the passing of the measures necessary for carrying on the war. It was not now necessary to discuss whether the Reform Bill was a good or a bad Bill. He had always doubted whether a Reform Bill brought forward by Her Majesty's present advisers would be likely to meet with that sympathy and support which would be necessary in order to carry it through the House. He thought that no measure of legislative reform could be carried out unless it was backed by a large portion of the people of the country and proposed by a strong and united Government. He could not forget how his right hon. Friend the Chancellor of the Exchequer, then on the Opposition side of the House, when he was taunted with having changed his opinions, challenged any man to prove that he was not justified in the course he had taken; neither could he forget how the right hon. Secretary at War had attacked his right hon. Friend the Chancellor of the Exchequer and the party to which he belonged, for having changed their opinions with regard to the fiscal policy of the country; and he would not believe that his right hon. Friends, of whose honour no one had a higher opinion than himself, would, before twelve months had passed away, lay themselves open to charges similar to those which they had brought against the Government which preceded them. A short time subsequent to the speech of his right hon. Friend, a Member of the Cabinet had taken an opportunity of declaring publicly that his opinions were unchanged, that he had always been a Radical, and that he still remained one. He had not believed, therefore, that any measure of reform would be proposed by the Government, which would be likely to gain any degree of support, nor did he think that he was wrong in that conclusion. The hon. Member for Manchester (Mr. Bright) had not proved himself a very strong supporter of the Bill, and he did not think a voice had been raised in any part of the House in favour of it. A measure of reform was not likely to be carried by men, unless their views upon the question of principle were the same. He would say no more with regard to the Reform Bill, but he would merely remark, with reference to the noble Lord, that, during the time he had sat in that House, now nearly twelve years, he had always regarded the noble Lord, although he had generally been opposed to him, with the highest respect for his honour, integrity, and courage, and he thought to-night the noble Lord had proved that the time had come when it was the duty of statesmen to sacrifice their own personal feelings, however painful that sacrifice might be, in order to do what they believed best for the public good.

LORD HARRY VANE said, that while entirely concurring in what had fallen from his right hon. Friend the Member for Taunton (Mr. Labouchere), he was unwilling to allow the discussion to terminate without also expressing his approval of the postponement of the Reform Bill, which, he feared, if pushed forward at the present time, must have led to a disruption of the Cabinet or a dissolution of Parliament. Whatever might be his opinion of the abstract policy of the measure, he thought that every consideration of prudence and expediency demanded that it should be postponed for the present Session. He was not one of those who would tamper with the question of reform. He agreed with many of the principles contained in the Government Bill, and on a fitting occasion should be ready to give it his favourable consideration, but at present he felt that its proper discussion was quite out of the question. He had not hitherto expressed any opinion as to the policy of the war, nor was he any very warm partisan of that policy; but as it had been commenced, it was necessary that it should be carried on with energy and vigour, and he should give his most cordial support to the Government in its prosecution.

Mr. DISRAELI: I think, Sir, that Her Majesty's Government have arrived at a sound conclusion in that which they have communicated to the House to-night, and that the country is to be congratulated upon it. I am not, therefore, disposed to indulge in those sarcasms which the noble Lord anticipated on this occasion; and if the conduct of the Government with respect to other measures which I may also feel it to be my duty to oppose be influenced by the same feelings and regulated by the same policy, I can promise the noble Lord that he will experience from me an opposition as mitigated as on the present occasion. But, although I shall never shrink from exercising my best efforts to vindicate the opinions of my friends, and to resist any measures which we think obnoxious to the public welfare, if such measures are brought forward by the noble Lord, I can assure the noble Lord I am little disposed to-night, after the address he has made, to view with any spirit of acerbity the course he has adopted. Although it has been my fate to be always seated opposite to the noble Lord, I can say, most sincerely, there is no one in this House has a more heartfelt respect for the noble Lord than I have. I think his character and career are precious possessions of the House of Commons, and I am sure that the Members of the House of Commons will always cherish them. Wherever the noble Lord sits, I am sure he will be accompanied by the respect of every Member of this House; and I think the manner in which to-night he has made what was evidently a painful communication is in every way worthy of the noble Lord's character. But, Sir, although I am satisfied with the course which Her Majesty's Ministers have proposed to take with respect to this Bill for Parliamentary Reform, and although the feelings which I have endeavoured imperfectly to express with regard to the noble Lord are most sincere, I still feel it my duty to express my conviction that all that the noble Lord has said to-night has not really met the real difficulty of his position. All the influences which he has placed before us to-night, and which have induced him to take a course so opposite to that which he originally contemplated, have been in operation during the whole of the Session; and, therefore, I am obliged to ask the noble Lord how it was that, yielding now to these influences, the noble Lord and his Colleagues felt themselves justified in bringing forward this Bill for Parliamentary Reform at the commencement of the Session?

The noble Lord has stated, to-night, a variety of causes which have induced him to adopt this final course. Did they not exist when Parliament met? Did they not exist on the 13th of February, when the noble Lord in detail, in spite of every warning, notwithstanding every remonstrance, determined to place that measure before Parliament and the country? Why, on the very first night we assembled the noble Lord was met from this side of the House by appeals to him not to pursue the course he then contemplated. He was told that the state of war that then virtually existed was one that rendered the period most inopportune for the discussion of a proposal for organic changes in the Constitution of the country. The noble Lord would not listen to the appeals then made to him. The noble Lord, with great ingenuity, maintained by instances and by arguments that a period of war was particularly qualified and adapted for the discussion of such business as this; that, the public mind being distracted from the measure of Parliamentary reform, it was possible to devise a measure, without being so much influenced by popular feeling and popular passion as in ordinary circumstances they might be. The noble Lord attempted to lay down the principle, that the fact of being in a state of war was in favour of this change. The noble Lord afterwards showed us that war with Russia was a condition of things peculiarly favourable to the prosecution of a measure of this kind. The noble Lord has, to-night, observed that there is some force in the remark that there is inconvenience in laying a measure upon the table, and not proceeding with it, which brands, I may say, almost a sixth of the Members of the House of Commons. In a country like this, where so much depends upon prescription, the noble Lord must feel that at any time for a Minister of the Crown to bring forward a measure that shakes the influence of prescription is a hazardous enterprise. It is certainly one that should not be risked, unless that Minister has every prospect of succeeding with his measure, and of substituting for the power or influence which he is going to destroy or to abrogate that new power or influence which, in his opinion, will more beneficially operate upon the Government of the country? Now, what is Parliamentary reform? We are in the habit of so familiarly using that phrase that we are almost too apt to forget its exact meaning. After all, a measure for the reconstruction of Parliament is a measure to affect and to change the principal depositary of power in the State. A measure of Parliamentary reform is a measure which virtually says to a large class of the people, "You do not possess political power—you ought to possess political power—and this is a measure to give you political power." On the other hand, it says to another class, "You possess political power—you ought not to possess political power—and we are going to take that political power you hold from you." These are grave measures. A measure of that kind, if introduced merely by an independent Member, may be looked on as a measure brought forward for discussion in a debating society, though the ability of the individual who introduced it, his knowledge of the subject, his depth of reasoning, and eloquence of language, may produce, in the long run, an amount of public opinion that may support and give influence to his views; but when a measure of Parliamentary reform is brought forward by a Minister of the great reputation of the noble Lord, and when a man is told that he does not possess political power, and ought to possess it, and the measure of the Government would give it to him, from that moment that man feels himself as a person aggrieved, as one deprived of his rights, so that you are absolutely producing a disaffected class by the proposition of the Government. On the other hand, every man whose franchise is threatened by such a measure, every corporation, every individual who is told that the Government are about to deprive him of power that he and those who preceded him have long exercised, though the Government do not proceed with the measure, will look upon the Government as their enemy—as persons who, when they have the power, would deprive them of their rights and franchises which they so much value. Therefore, it is clear that when a Minister makes a proposition of this nature, and does not proceed with it, he is creating disaffection amongst some classes and dislike amongst others. He is, in fact, weakening the constituted authorities of the country, and enfeebling the established institutions of the land. That, I think, is a most unwise course, and it only proves that no Minister should embark in an undertaking of such a nature as a Parliamentary reform without the necessity for the change being clear, and his ability to accomplish his purpose being evident and palpable.

Now we are told that we are going to war, and that it is necessary that the sympathy of all classes should surround the Government and the Executive. We are told that we are going to war, and you are encouraging and developing the sympathies of all classes of Her Majesty's subjects by telling some that they deserve to possess rights which you will not give them, and by telling others that they exercise rights which you mean to take from them. Why, Sir, the noble Lord has in the course of this Session expressed his opinion that a state of war, and especially a state of war with Russia, was no sufficient reason for relinquishing the measure that has been recently under our consideration, or rather proposed to us. The noble Lord is not the only Member of the Cabinet who has expressed this opinion. The First Minister in another place, and even very recently, expressed his opinion that there was nothing in the state of our external relations which would induce the Government not to proceed with this measure—a measure which he believed had been received with the utmost favour throughout the country. The noble Lord (Lord John Russell) seems to complain of the apathy with which his measure was received by the country. But we have always been told by the noble Lord and his Colleagues that we should legislate on this question when there is no excitement and no passion; that the proper time for introducing these changes and making these amendments in our representative system is the moment when the people are tranquil, and the public mind is not inflamed, or unduly attracted to the subject, so that the contemplation of statesmen may be calm and undisturbed. And, therefore, it is a new argument introduced into this debate that the apathy of the public mind is a reason for not proceeding with this measure. Well, but there is another reason which has been urged by the noble Lord, and which, I confess, astonished me. I understood him to complain of the opposition which this measure had received in the House of Commons. Now, what I complain of is, that no opportunity has ever been given us for discussing this measure.

Lord JOHN RUSSELL: I said the House had shown indisposition to consider this measure.

Mr. DISRAELI: But I cannot understand how the noble Lord arrives at the fact that there exists an indisposition on the part of the House of Commons to entertain this measure. The noble Lord in the first place advised the Sovereign to notify, in the Speech from the Throne, that the measure of Parliamentary reform would be brought forward. This, of course, is the most solemn mode of introducing the subject to the consideration of Parliament. I do not suppose that on the first night of the Session, when Her Majesty's Gracious Speech was under consideration, that any one could complain that the manner in which that announcement was received was discouraging to the Minister. An appeal was made to him not to bring forward the measure on the ground of the exigent state of the country; but to this the Minister would not listen. On the contrary, he brings forward this measure, lays it on the table, and says, "I deprecate discussion now, but on this day fortnight, or some other convenient day, you will discuss the measure which in detail I have now introduced to the notice of the House and of the country." Now I think that it is very inconvenient that any Minister should bring forward a measure of such vast importance, upon a subject of such general interest—that he should have the opportunity of introducing it, with all the advantages which not only his abilities but his station give him, and that it should never be subjected to the slightest discussion. The principles on which it is founded may be most fallacious, and I think the principles on which this measure is founded are most fallacious; but still no opportunity has been given to the House to express an opinion upon it, because when the exposition of the measure takes place, a future day is fixed by the Government for the discussion of its merits; and then that opportunity thus promised is never given. Well, then, I wish to know whether this opposition, or rather this indisposition, which the noble Lord finds to his Reform Bill, is an indisposition on his own benches. I will not say on the Treasury Bench, because we now have it on the highest authority, that the Government is a Government of sincere Reformers—but I suppose that it is not impertinent to imagine that the indisposition may be on the benches behind the noble Lord. At any rate I venture to say on the part of hon. Gentlemen on this side of the House, that there has been no opposition on these benches. An hon. Gentleman, who is a general supporter of the Government, has spoken of the opposition to this measure as if it had proceeded from us. And no doubt it is not at all impossible that you would have received an uncompromising opposition from the benches opposite to you. But you never gave us an opportunity for discussing the measure, and therefore I beg the country to remember that the indisposition to Parliamentary reform in the present House of Commons, so far as we have any evidence of it, is confined entirely to the noble Lord's own side of the House.

But I beg the House to remark that the noble Lord has not met the difficulty of his case, that all the reasons that he has given for relinquishing his measure tonight were reasons that existed in equal force at the meeting of Parliament, and on the 13th of February when he introduced this Bill. I deny that any Member of the Cabinet can advance the present state of the country as a reason for not proceeding with this measure. The noble Lord has very properly vindicated himself from the absurd position in which it is the interest of some parties to place him as being the only Parliamentary Reformer in the Cabinet, and as if it was entirely to vindicate his own personal honour that this measure had been introduced. The noble Lord has very properly recalled the attention of the House to the fact that the Government of the Earl of Aberdeen was founded on the promise of a large measure of Parliamentary reform. Nor was it merely in deference to the noble Lord that the Government of the Earl of Aberdeen was founded on the principle of Parliamentary reform. A very distinguished Member of the Cabinet made a large measure of Parliamentary reform a condition of his joining Lord Aberdeen; and Lord Aberdeen, in his speech when he made an exposition of the principles upon which his Government was founded, unequivocally pledged himself to a large measure of Parliamentary reform.

Now, I want to know what were the circumstances under which the Government of Lord Aberdeen made that pledge? What were the circumstances under which the right hon. Baronet the First Lord of the Admiralty made the concession of a large measure of Parliamentary reform a condition of his adhesion to the Government of Lord Aberdeen. Were they circumstances of less peril than the present? Were they less serious? Was the conjuncture less menacing than at present? Why, we really seem to have forgotten the circumstances under which Lord Aberdeen acceded to power. Why, after an interval of between thirty and forty years, what had the House of Commons just done? They had armed the people; they had absolutely called out the Militia; and were arming and training and disciplining 100,000 men. A few months before Lord Aberdeen entered office, the late Government had considerably increased the Naval Estimates; but no sooner had the First Lord of the Admiralty come into office than he doubled those Estimates. Nor had the present Government been four months in office before they formed a project—which they subsequently executed—of having a military camp at Chobham. It was well known that the Government then believed that not merely war but invasion was imminent. Now, Sir, no one will pretend that a war with France is not a much more awful affair than a war with Russia; and yet with a war with France in their opinion impending, they formed their Government on the principle of a large measure of Parliamentary reform. And did the adoption of that statement not serve them? Could they have formed their Cabinet unless that had formed the principle upon which that Cabinet was established? Could they have carried on their Government for six months unless that had been the principle upon which the Government of Lord Aberdeen had been established? Could they have possessed, not merely the great administrative abilities of the First Lord of the Admiralty, but the profound statesmanlike attributes even of the First Commissioner of Works? Could he have given to the Government the fruits of those studies which Bentham had inspired and Grote had guided? How did they carry on the Administration? Why, only a very few months afterwards we had the financial measures of the Chancellor of the Exchequer brought forward, which, according to the noble Lord's statement to-night, was the excuse for not proceeding with Parliamentary reform in the first year that the Government held office. A tax extremely odious in the mode in which it is levied was introduced to this House, it being known that there was an absolute majority against the imposition of that tax, and that the most powerful assailants of this tax—the income tax—were to be found on the benches where the supporters of the present Government mostly congregate. Did not these Gentlemen say that they disapproved of the unmodified income tax, and only voted for it in consequence of this promise of a large measure of Parliamentary reform. And, therefore, I say that Parliamentary reform was the principle upon which the Government was founded, and without it the present Cabinet would never have existed, and that without it the administration of affairs could not have been carried on. I say also at the same time, that the pledge to give a large measure of Parliamentary reform was made at a time when the state of public affairs, as far as our external relations were concerned, was not less menacing, nay, I think much more perilous and threatening than it is at the present time.

Myself opposed to the measure of the noble Lord, I am glad that the Government has relinquished it. But what is the moral that I think we should draw from all these circumstances? I think we should at least come to this conclusion —in my opinion, a salutary one—though no one can question the honour and the sincerity of the noble Lord who has been identified with this great question and this great cause—who will go down in history as connected with it—though no one, I say, can doubt his sincerity, and though I do not for a moment care to question the sincerity of others—still I must say, that there does appear to me, and I think there will appear to the country, that there has been too much levity, for party purposes, in dealing with questions of organic change in the Constitution of this country. Well, now, I think, if we can, under the present circumstances, when there is no party feeling on this question, and when all parties and sections of this House seem pretty well agreed to assist the Government out of the predicament—I think, I say, that if we can arrive at that conclusion, every man, wherever he sits, will consider probably longer than he might have done two or three years ago before he makes pledges on a subject of this importance. Because we should find that if a Minister persisted—which the noble Lord has wisely and magnanimously resolved not to do—in consequence of a pledge of this kind, in carrying measures not required by the necessities of the country, a great public evil might occur. And if, on the other hand, after having pledged his sagacity as a statesman for the necessity and expediency of such a measure, he finds it necessary to relinquish it, then, although great public mischief may not occur, there is at least this disadvantage—that the confidence of the country in the men they look up to must be necessarily lessened and diminished. Nor does it seem to me that a time of war, which we are told may be very serious and protracted, is a time when, I do not say this want of confidence, but this diminished confidence, in our principal statesmen should be incurred. I hope, therefore, that the noble Lord will not proceed in the course of which he has given an indication to-night—of postponing for a short but indefinite time his plans of Parliamentary reform. I think it would be much better for the noble Lord—who has made two attempts, which, he says, have not been sanctioned by the country, and which he feels are not required by the country—to allow this question altogether to drop, and not to embarrass himself by another pledge.

Yet, what has the noble Lord done to-night? After all this somewhat bitter experience, he has absolutely embarrassed himself and all his Colleagues by promising to take as early an opportunity as possible to introduce this measure again. [*Cheers.*] I think that that cheer is most unwise, and that those who cheer will be probably the loudest in opposing the measure when it is brought forward. I confess, Sir, I do not understand this getting rid of reform by instalments. You who are always asking for measures of reform, and taking them by instalments, should hardly sanction this new system, by which Reformers are to get rid of their pledges by instalments. It would have been better for the noble Lord to say, "I have made a considerable attempt. The Cabinet have stood by me. This measure is the result of our united deliberations. But the country does not require it, the times are perilous, and, although I think that a time of war is no good cause why a measure of Parliamentary reform should not be carried if it were required, still it is not now absolutely necessary, it would involve a great struggle, and, therefore, for the present I will say farewell to Parliamentary reform." Hon. Gentlemen opposite would have then had just as good a chance of getting Parliamentary reform when the time arrived as they have now by retaining the vain pledges of a Minister. Surely, the experience of the last two years must have taught you that you are not one whit the nearer a measure of Parliamentary reform because you have the pledges of statesmen that they will give it to you. Here you have statesmen who have pledged themselves, and who were most sincerely anxious to fulfil their pledges, but you did not obtain your object. You never can obtain a change such as you desire until the great preponderance of public opinion demands it. Well, then, why embarrass the Government with a constant pledge of this kind? The noble Lord will pardon me for saying that it would have been more statesmanlike if, after all he has done, and, I will say, after all he has suffered, he had asked the House to-night to place confidence in his sincerity, and to show, by the manner in which they received his words to-night, that they thought his honour was intact; and had then told them that it was much better not to embarrass the Government any longer with pledges on this subject, but that they might be confident that when the time was ripe, the measures that were demanded by necessity would be brought forward by any Ministry who happened then to be in possession of power. I do hope that the noble Lord will at least draw this lesson from the past—not to embarrass himself with pledges, which he knows not when he can fulfil, merely for party purposes, and to animate followers who must now feel that, after all, measures of this great national importance depend upon something more solid than the word of any individual, however sincere or however gifted.

Sir GEORGE GREY said, he could

not let the discussion close without expressing the gratification that he felt at the unanimity of feeling which prevailed amongst all parties in the House towards the noble Lord, with whom he had been so long connected by political ties, and also with respect to the course which the Government had announced their intention to adopt with respect to this measure. He was especially gratified in hearing from Gentlemen who sat on that (the Ministerial) side of the House, and who desired—as he himself did—to obtain a sound measure of Parliamentary reform, so many expressions of that confidence in the noble Lord which he had deserved by his long and consistent political career, identified as it was with so many great improvements in the institutions of the country. He had also listened with pleasure to the generous testimony to his noble Friend's sincerity which had been borne by the leader of the large party opposed to him. The right hon. Gentleman had indeed expressed his dissent from the course which my noble Friend took in—as he not very correctly said—pledging himself and the Government anew to a measure of Parliamentary reform. He (Sir G. Grey) did not understand his noble Friend to have given any new pledge on this subject. He only understood him to have vindicated—he believed, with complete success—the sincerity of the pledge which the Government originally gave, and to have stated that, although their duty compelled them in deference to existing circumstances — unforeseen when that pledge was given—to agree to a postponement of this measure, still, when those opposing circumstances no longer existed, it was their desire and intention again to lay on the table the Bill for the reform of the representation of the people. This was no new pledge. It was only saying that the Government did not avail themselves of these temporary circumstances to retract the pledge which they had given in the face of the country, and in consequence of which they had obtained the confidence of a large portion of the Liberal constituency of the country. His noble Friend had not only taken a course which was consistent with his personal honour—for no one could doubt that — but he had shown that he had been actuated by the highest sense of duty, and regard to the interests of the country. Differing as he did from the opinions of the hon. Member for Manchester (Mr. Bright) with respect to the necessity and justice of the war which had been commenced, he cordially concurred with him in the wish he had expressed, that that struggle might be brought to a speedy and honourable termination, and that the House of Commons might thus be left free to resume the consideration of those important subjects—the amendment of the representation of the people amongst others—the discussion of which was a much more satisfactory employment of the time of Parliament than the consideration of the means of making those necessary preparations for the struggle in which we had embarked. The hon. Member for Manchester had truly remarked that during the present Session no disposition had been shown by private Members to take advantage of those nights set apart for Motions, in order to occupy the time of the House on subjects not of pressing importance. He trusted, therefore, that when the House met after Easter, the Government would press forward, with all the speed that was consistent with due deliberation, measures of real practical importance. He was sure that the House were disposed to give their earnest attention to them; and he hoped that if due diligence were used they might not be detained there so late in the year as had been the case during the last few Sessions, and that the latter part of the Session might not exhibit so much hurried and hasty legislation as had too often occurred.

MR. SIDNEY HERBERT: Sir, I will not detain the House at any length, but I wish to make an observation personal to myself, in consequence of what fell from the noble Lord the Member for King's Lynn (Lord Jocelyn). While acknowledging the generous terms in which the right hon Gentleman the Member for Buckinghamshire (Mr. Disraeli) has paid his tribute to the character of a political opponent, I must say that he has in some respects misrepresented, unintentionally, doubtless, the words of my noble Friend when he first spoke on the introduction of this measure at the commencement of the Session. I do not think that my noble Friend ever stated that he considered, as an abstract proposition, that a state of war was the most suitable for the consideration of a measure of Parliamentary reform. What he did state was, that the existence of a state of war was not necessarily a bar to the introduction of measures of internal reform. It is not the case, as the right hon. Gentleman stated, that the circumstances in which we are now placed have undergone no change since the time of my noble Friend's Motion. I agree with what the right hon. Gentleman said when he stated that the Government of Lord Aberdeen was pledged to Parliamentary reform since its acceptance of office. The right hon. Gentleman endeavoured to show that that pledge in favour of reform was given at a time when the circumstances of the country were not only as unfavourable, but, in fact, more dangerous than they are at the present time. In order to support this proposition, he brought before us a vision of the preparations for war then made; he talked of impending invasion from France, and of the camp at Chobham; and asked how it was possible that a Government which, in a state of things so critical and dangerous, could give such a pledge, could see any reason for not persevering with this Bill when we have only a distant empire to grapple with. But if he agrees with my noble Friend in thinking that it is perfectly right to postpone the measure, I am perfectly at a loss to know on what grounds he concurs with him in that opinion, since he expressed his entire dissent from every reason which my noble Friend gave for the course we have adopted. My noble Friend has certainly said that a moment of tranquillity was the best time for discussing a measure which might tend to produce excitement of feeling amongst the people. And then, says the right hon. Gentleman, what can be greater than the public tranquillity with respect to this subject. But, Sir, tranquillity is one thing; apathy is another. The mind of the nation is at present absorbed in one predominant and intense interest. It is not large enough to take in two great excitements at one and the same moment. It is fixed—as none of the younger Members of this House can recollect it—upon the struggle which has now commenced. Look at the addresses which have been presented to hon. Members who are now leading the army in the East. Their constituents are naturally jealous of their presence in the House of Commons, and yet the statement that they are going to retire from the discharge of their Parliamentary duties, in order to join the forces in Turkey, is received with an enthusiasm greater than would have been displayed had they promised to pay, or had actually paid, the most sedulous attention to their Parliamentary duties. The whole heart, mind, and intellect of the country is at present divided between the Baltic and the Black Sea; and it is hopeless to expect that while that is the case the country can give such attention to the subject as is necessary to pass such a measure as my noble Friend contemplates. I must say, Sir, in answer to the noble Lord the Member for King's Lynn, that he is entirely mistaken if he thinks that, in joining Lord Aberdeen's Government, I had any compromise of opinion to make on the subject of Parliamentary reform. I only recollect having expressed any opinion of my own on that subject upon one occasion. When it was debated in 1848 or 1849, I followed the noble Lord the Member for London, and offered my tribute to the soundness of the views which he expressed, and in which I stated my acquiescence. I have never feared Parliamentary reform; I have seen the growing intelligence and power of the working classes. I have long seen the true conservation that exists in extending to them that Parliamentary power which they are capable of exercising. I wish to see the basis of our representative system enlarged. I wish to see those who are without, and who may be enemies, taken into the citadel and converted into defenders. My opinions in favour of Parliamentary reform, so far from being weakened, are strengthened. I gave my cordial assent to the propositions of the noble Lord, and I hope that the time may yet come when he may carry that measure, or some other equally effective, and may finish that great work of Parliamentary reform with which his name, his honour, and his fame will be indissolubly connected.

Sir JOHN PAKINGTON said, he was desirous to say a few words, in consequence of what had fallen from the right hon. Gentleman the Secretary at War, who had just resumed his seat. The right hon. Gentleman had accused his (Sir J. Pakington's) right hon. Friend (Mr. Disraeli) of having unintentionally misrepresented what fell from the noble Lord opposite (Lord J. Russell). He thought, however, that his right hon. Friend had really rather confirmed than confuted what fell from the noble Lord on the subject upon a former occasion. The noble Lord said, that as the people would be called upon to bear additional taxation to defray the expenses of the war, this was, above all others, the time when they should have confidence in their representatives; and therefore the time when it was right and fitting to introduce a measure of Parliamentary reform. The right hon. Gentleman (Mr. S. Herbert) had also referred to the observations which fell from the right hon. Member for Buckinghamshire (Mr. Disraeli) with respect to the comparative danger of a war with France and one with Russia, and as to the menacing state of affairs that existed when Lord Aberdeen took office. But he appeared to have forgotten that the alarm which then existed was very much caused by a speech which the right hon. President of the Board of Control (Sir C. Wood) delivered at Halifax, and in which he not only spoke of the fears of a French invasion which were entertained by the Government, but actually stated the manner in which it was to be effected—by throwing detachments of about 10,000 men each upon our shores from time to time. He felt it would be presumptuous in him to attempt to add anything to the eloquent language in which his right hon. Friend (Mr. Disraeli) had expressed his own feelings and those of all parties in the House towards the noble Lord (Lord J. Russell); but he could not refrain from saying that he (Sir J. Pakington) for one had neither the right nor the inclination to say anything against the personal honour of the noble Lord, nor did he believe that there was any man on either side of the House who entertained such a wish. But even if any one had for a moment been disposed to do so, his inclination must have been entirely removed by the speech which the noble Lord had delivered that night. Nevertheless, in justice to his own views, and to the views of those with whom he acted, he must say that honourable to himself as was the speech of the noble Lord, there was nothing in it which could affect or impair the opinion which he (Sir J. Pakington) entertained on this subject, or extricate the Government from the dilemma in which they were placed. If the circumstances of the time were such as to make it objectionable to proceed with the Reform Bill, it was clear that the Bill ought not to have been introduced. On two occasions previous to the 13th of February last the noble Lord had advised the Crown to recommend them to consider a measure of reform, and on both occasions the consideration of the measure was checked. The Government was responsible for having advised the Crown at the commencement of the present Session to recommend a measure of reform, when circumstances precluded the possibility of such a measure being introduced. At the time the measure was announced the allies had entered the Dardanelles, and our fleet was in the Black Sea. He maintained, therefore, that under the circumstances the noble Lord ought not to have recommended to Parliament the adoption of his measure for a reform of Parliament. He believed that the inference which the country would draw from the vacillation of the Government on this question, would be that the real cause of the vacillation was a division in the councils of the Crown, and that it was from divided councils that we had been involved in war and in difficulties on this important question. He thought it would be fortunate for the country if these divided councils did not, under the present perilous and momentous circumstances, involve the country in still greater difficulties and dangers.

Mr. JOHN MACGREGOR said, in reply to a remark of the right hon. Member for Taunton (Mr. Labouchere), he would admit that the people of Scotland were occupied with other questions than Parliamentary reform. He had not received from his constituents a single letter or petition on the subject of reform. He did not think that the Government were indifferent on the question of reform, but that they considered the postponement of the measure more advisable than the throwing of the country into a state of excitement from a general election. He thought the noble Lord the Member for London deserved the gratitude of the people for the magnanimous way in which he had acted.

Lord JOHN RUSSELL: I do not rise, Sir, to enter into the discussion of any of the arguments that have been used, but merely to express to the House my grateful sense of the manner in which the statement I have made has been received.

Motion *agreed to;* House, at its rising, to adjourn till Thursday, 27th April.

BUSINESS OF THE HOUSE.

Lord JOHN RUSSELL said, he would now move that during the remainder of the Session Orders of the Day should have precedence of Notices of Motion upon Thursdays. He wished to take that opportunity of stating that if that Motion was acceded to, he should propose this evening that the Oxford University Bill be committed *pro formâ*, in order to its being recommitted on Thursday, the 27th instant, and that on the 1st of May his right hon. Friend the President of the Board of Trade would move that the House go into Committee on the Railway Bill. A question had been asked of his right hon. Friend the President of the Poor Law Board, with respect to the Settlement and Removal Bill, which was fixed for the 28th of April. He was in hopes that his right hon. Friend would have been present in the House to-night, but as he was not, he (Lord J. Russell) would therefore say that it was not proposed to go on with that Bill in the course of the present Session. The Government proposed, however, that his right hon. Friend should move for a Select Committee to consider the law and practice with regard to the removal of Irish paupers from England and Scotland, and of Scotch and English paupers from Ireland.

Colonel SIBTHORP said, he should move that the Motion should be amended by inserting the words "on alternate Thursdays" in lieu of "on Thursdays." The practice of taking Government orders on alternate Thursdays had been tried with good effect three years ago.

Lord JOHN RUSSELL said, he must explain that he did not mean to propose that Government Orders should have precedence on any Thursday—all he proposed was, that Orders generally should have precedence on Thursdays. He thought it would be an improvement also that Bills whose committal has been commenced, but not concluded, on a Wednesday, should stand over for Thursday.

Mr. DISRAELI said, he must oppose the Motion, because, as both the Reform Bill and the Settlement and Removal of the Poor Bill had been withdrawn, there was no prospect of any such pressure on the Government as would render it necessary that independent Members should relinquish their privileges. The Government ought, at all events, to be content with every alternate Thursday. The privileges of private Members should not be wantonly abridged, for nothing was more probable than that they might have to invite the House to consider the policy of the Government during the progress of the war.

The CHANCELLOR of the EXCHEQUER said, he would remind the House that the Miscellaneous Estimates yet reremained to be laid upon the table. The consideration of those Estimates would occupy a great deal of time, and during the discussion which must take place upon them the utmost possible facility would exist for putting any questions which hon. Members might desire to put to the Government, or of making any Motion with reference to the conduct of Her Majesty's Ministers, which it might be deemed advisable to make. He would add, also, that the Miscellaneous Estimates during the present year would be upon a much larger scale than usual, inasmuch as the Government were, for the first time, about to submit to the consideration of the House Estimates with regard to the expenses attendant upon the collection of the revenue, and the usual facility of putting questions to Ministers, to which he had alluded, would, of course, be proportionally increased.

Sir BENJAMIN HALL said, he would suggest that the public business would be materially advanced if hon. Gentlemen on both sides of the House would consent to mitigate the extent of their speeches.

Mr. WALPOLE said, he did not altogether approve of the Motion of the noble Lord. He should have no objection that precedence should be given to Government Orders of the Day, but he was by no means desirous that that course should be taken with reference to Orders of the Day relating to business of which independent Members had the charge.

Mr. HUME said, he had no objection to the Motion, but he thought the Government ought, immediately after Easter, to bring in all Bills they intend to press this Session.

Mr. W. WILLIAMS said, he must complain that Members did not confine themselve to Motions on Tuesday and Thursdays, but brought on long discussions on going into Committee of Supply, which he thought unfair. He was of opinion that there should be some change in that respect.

Mr. SPOONER said, he wished to call the attention of the noble Lord (Lord John Russell) and the right hon. Gentleman the President of the Board of Trade to the inconvenience of the arrangement which fixed the further proceeding with the Oxford University Bill for Thursday, the 27th, and the following day, and the Railway Bill on the Monday following. Three or four important private Bills had been postponed until the Railway Bill was passed, and if it was delayed, those Bills would be left so late in the Session as to stand no chance of passing. He thought the Railway Bill should come on first.

Mr. CARDWELL said, that the Railway Bill was fixed for the day in question at the express wish of those interested in the Bill, and he did not believe that there would be any unnecessary delay by that course.

Mr. DEEDES said, he wished to ask the noble Lord the Member for the City of London what course he proposed to take with respect to the Bill which had been introduced affecting those constituencies in whose case a Report had been made by recent Commissions, and who were not at present represented in that House? He also was anxious to learn from the noble Lord the Secretary for the Home Department if it was his intention to call upon the House to legislate, in the course of the present Session, upon the subject of the general police of the country?

Viscount PALMERSTON: It is the intention of the Government to proceed to legislate on the subject of a general police throughout the country.

Lord JOHN RUSSELL, in reply to the question of the hon. Member for East Kent (Mr. Deedes), would state that, in his opinion, it was extremely desirable that they should proceed during the present Session with the Bill to which that question referred.

Mr. LAING said, he would advert to the great interest which the people of Scotland took in the Scottish Education Bill, and the disappointment they would feel if anything occurred to prevent its being proceeded with in the course of the present Session.

Colonel SIBTHORP said, he would withdraw his Amendment.

Resolved—

"That during the remainder of the Session, Orders of the Day have precedence of Notices of Motions upon Thursdays."

THE TURKISH AND GREEK GOVERNMENTS—QUESTION.

Mr. MILNER GIBSON said, he wished to put a question to the noble Lord the Member for the City of London in reference to a statement that had appeared in the public press, of certain demands having been made by the Turkish Government on the Government of Greece. He wished to ask whether the English Ambassador had been any party to those demands on the Government of Greece, and whether those demands included the request that the Greek newspapers should be suppressed that gave any opinions adverse to the Government of Turkey?

Lord JOHN RUSSELL said he could not answer the question so satisfactorily as he could wish at that moment. The demands that were made by the Turkish Minister upon the Greek Government were made by order of the Turkish Government, and without any concert with Her Majesty's Ministers; but after those demands had been made, at the time when they were under consideration, the representatives of the four Powers of England, France, Austria, and Prussia met, and they came to a resolution, which they submitted to the Greek Government, that the Greek Goverment ought to give an answer to those demands, which in themselves were reasonable. The explanation which our Minister at Athens gave with respect to the article about the press, was to the effect that what the Turkish Minister asked was, that the Greek Government would not in their own newspapers have articles inserted exciting rebellion amongst the Turks in the Turkish provinces, and that this demand was founded on the generally notorious fact that the Greek Government were in the habit of so acting.

PAYMENT OF WAGES BILL.

Mr. C. FORSTER moved to nominate the Select Committee on this Bill.

Committee nominated:—Mr. Charles Forster, Mr. Austin Bruce, Mr. Fitzroy.

Motion made, and Question proposed, "That Mr. Cheetham be one other Member of the Committee."

Sir HENRY HALFORD said, he would move to substitute the name of Mr. T. Duncombe for that of Mr. Cheetham. He did so without meaning any disrespect to the Gentleman whose name he wished to omit; but he was anxious to have the services of a Gentleman of the experience and sympathy for the working classes like the hon. Member for Finsbury. As the Committee was constituted, it would not give satisfaction to the parties interested.

Amendment proposed, to leave out the name of "Mr. Cheetham," and to insert the name of "Mr. Thomas Duncombe," instead thereof.

Question proposed, "That the name of Mr. Cheetham stand part of the Question."

Mr. FITZROY said, he quite agreed that the object of the investigation was to give satisfaction to the parties interested; but he thought it might be carried out by the Committee as at present proposed. It had been carefully selected, and was composed of eight Members in favour of the Bill and seven who were against it. He did not undervalue the services of the hon. Member for Finsbury, but he thought the list a fair one, and he should, therefore, oppose the Amendment.

MR. HUME said, he was sorry that any Committee had been appointed on the subject, and he hoped the Government would make up their minds to resist the principle of these Bills, against which they had stated their opinions. He thought Government ought to have used its influence to prevent the loss of time which would arise by the appointment of this Committee, which would be productive of no good.

MR. BRIGHT said, that he had looked over the list, and if this name was struck off there would be no Member on the Committee connected with South Lancashire, and considering the large amount of wages paid in South Lancashire, he thought that a Member connected with it ought to be on the Committee. In saying this he did not wish to say a word against the hon. Member for Finsbury.

SIR HENRY HALFORD withdrew his Motion.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Mr. Moffatt, Mr. Craufurd, Mr. Booker, Mr. Peto, Lord Stanley, Mr. Baird, Mr. Coffin, Sir Henry Halford, Sir Joshua Walmsley, Mr. Wickham, and Mr. Gardner nominated Members of the Committee.

MR. MOFFATT moved that the Committee have power to send for persons, papers, and records.

MR. EVELYN DENISON said, he begged to ask in what position the inquiry relative to the hosiery trade would be. Last year the same measure was brought forward, and a considerable majority voted against it; but this year, to his astonishment, the noble Lord (Viscount Palmerston) consented to an inquiry on the subject before a Select Committee. What was to become of the inquiry, if they had witnesses also, relating to the hosiery trade? The great objection to this inquiry was, that it disturbed the minds of men engaged in this business, employers as well as employed. The whole of the Session would be occupied with the inquiry, and perhaps the Session would close before the inquiry was brought to a conclusion.

VISCOUNT PALMERSTON said, he did not apprehend that the two inquiries would extend to any great length. They would probably begin with one of them, and then go on with the other. It was not likely, in his opinion, to occupy a great length of time. Undoubtedly his opinion was that the hosiery workmen were under a great misapprehension. But, at the same time, when they found a great number of people suffering under considerable privations, and labouring under impressions that the system under which they were employed was unjust, and operated to their injury, he thought it right that there should be a Committee of Inquiry before whom they could state their opinions, and explain their supposed grievances; and it was, therefore, out of deference to their feelings that he consented to the appointment of the Committee.

Motion *agreed to.*

FINANCIAL STATEMENT—PUBLIC INCOME AND EXPENDITURE.

THE CHANCELLOR OF THE EXCHEQUER, having laid on the table a paper relating to the income and expenditure of the country for the year, said: Mr. Speaker, I have to move that this paper, containing an account of the income and expenditure of the country for the year, do lie upon the table; and it was my intention to have made a statement in some detail with reference to the subjects that are included in the notice that appears in my name in the paper to-night, which is as follows:—

> "To make a statement respecting the Revenue for the year now closed, the condition of the Public Balances, and the condition of the Unfunded Debt."

But the right hon. Gentleman opposite the Member for Buckinghamshire (Mr. Disraeli) has to-night moved for further information on a variety of points connected with these subjects, and I therefore think that, so far as the matter of argument is concerned, or matter with respect to which there may be a difference of opinion, I shall do well, as far as I am a party concerned, to postpone all observations, and to defer all topics of that nature. It is therefore, Sir, my intention to confine myself entirely to a statement of what may be called a statement upon matters of fact, and my reason for making that statement at the present period is, that in the first place I have not yet had an opportunity of presenting to the House a complete account of the income and expenditure for the past year; and in the second place, because it is exceedingly important at this moment of alarm and excitability, that the public should be put in possession of authentic information upon those points. It is therefore, Sir, my intention to give the House that information; but considering the nature of the discussion in which we have passed the principal portion of this evening, I shall endeavour to be very brief in the particulars which I have to lay before the House. Sir, there has been, as I have no doubt hon. Members must have observed on examining the accounts of the revenue of the country which were published on the 6th of April, a more favourable return of the revenue than I had given the House reason to expect on the 6th of March. There is an improvement in the revenue on the 6th of April, as compared with the estimate which I made on the 6th of March, of no less a sum than 749,000*l.* But it must not be supposed that so considerable a difference in the amount of the revenue is to be accounted for by any substantial change in the circumstances. I spoke to the House at a period of increasing uncertainty, attending the collection of the income tax in Ireland and the extended income tax in England, as to the precise period when the money would be brought into the Exchequer, on account mainly of the new circumstances which that department of the revenue had to encounter. However, Sir, that department has been enabled to abridge greatly the amount of arrears which I then thought it safe to estimate as likely to be carried over to the present year. There is no difference as to the ultimate receipt of the money—the difference is only as to the time and the manner in which it arrives at the Exchequer. But the difference between the receipt of the income tax as estimated on the 6th of March, and the actual amount received on the 5th of April, is 417,000*l.*

Another portion of the difference to which I have referred occurs under the head of the Customs revenue. The Customs revenue has been subjected to an exceptional movement on account of the anticipated reduction in the tea duties. The effect of that reduction was necessarily to diminish to a great extent the entries of tea brought into the Customhouse for payment of duties during the past quarter. I therefore debited the past quarter with a great loss on that account. A portion of that loss, however, has been recovered, because parties were anxious for considerable deliveries of tea on the morning of the 6th, and, in order to accommodate them, a certain portion of the duties payable on the 6th were actually received on the 5th of April, and the amount was brought into the revenue of the quarter to which indeed it properly belonged, but which it would not otherwise have realised. These are the two main causes, and they are the only ones to which I shall refer to account for the excess of revenue on the 5th of April, as compared with that which I anticipated on the 6th of March. The House will perceive, on an examination of the balance-sheet, that it presents an excess of income over expenditure on the year ending 5th of April last, of no less a sum than 3,524,000*l.* The excess of income over expenditure for the last year—the year ending the 5th of April, 1853—was 2,460,000*l.* The estimate which I made with respect to the excess of income over expenditure on the 6th of March, 1854, was 2,854,000*l.*, but that excess has been increased, in consequence of the receipt of money between that period and the 5th of April, but on which it would not then have been safe, and which I was not warranted in admitting into my calculations. This gives me an opportunity of observing that one among the many elements of uncertainty—though we are warranted in exercising confidence within certain limits—arises altogether from the present imperfect system of keeping the public accounts. If the balance-sheet of the present year had been framed in precise accordance with the balance-sheet of the last year—if the same sums had been paid out of the Exchequer for the purposes of supplying the Paymaster General's account for Supply service, the surplus of revenue over expenditure would have been less on the balance-sheet by full 500,000*l.*, and therefore, in comparing the surplus of the present with the surplus of the past year, the House would do well to estimate the surplus at 3,000,000*l.* instead of 3,524,000*l.*

It may be asked, why is this difference —why not give the sum in the same manner as it was given last year? Sir, the reason is this—that under the authority vested in the Treasury by this House, a certain amount of Exchequer bills, to the amount of 500,000*l.*, was issued at the former period; and under a fiction of law —for I cannot call it less, it is, in fact, a series of fictions of law—according to the manipulation, if I may so call it, by which that operation is conducted, you have no choice to bring them back to the Exchequer account, which would be the rational course of proceeding; they can only be issued to the Paymaster General, passing by the Exchequer altogether. It therefore happened that 500,000*l.* stood to the credit of the Paymaster General which would have been deducted from the Exchequer, if Exchequer bills had not been issued at the period. The House will, therefore, understand that, in comparing the surplus of the present with the surplus of the past year, 500,000*l.* ought to be deducted from the surplus of this year, and that the real surplus for the year may be fairly and safely stated at 3,000,000*l.* I think, Sir, the House will be of opinion that this is a satisfactory result, so far as they have yet seen, with respect to the indications it affords of the trade and industry of the country, and of the condition of the people, though there is necessarily a contraction, or, at any rate, a retardation in its increase, in consequence of political events, and of the obstacles to trade both in the Baltic and in the Black Sea. It is a more satisfactory result still, if it be borne in mind that the sums which I anticipated I should receive in the year from the increase of taxes have been much less than I anticipated. Last year you remitted taxes in round numbers to the amount of 2,600,000*l.*; you at the same time laid on taxes which ultimately, no doubt, will be productive to a large amount. But while 2,600,000*l.* have been given in relief of taxation, the additional taxes laid on last year had only brought into the Exchequer, on the 5th of April, the sum of about 700,000*l.* The remission of taxes has been in full operation, while the substituted taxes have only partially been brought into play; therefore, speaking in round numbers, while you have remitted 2,000,000*l.* of taxes more than you have laid on, you have a surplus of 3,000,000*l.* on a comparison of the income with the expenditure. That is all which I think it necessary to state with respect to the revenue for the past year.

I now come to another question, with respect to which it is desirable that the House should possess full information—I mean the state of the public balances; and here I would sedulously avoid referring in the way of defence or of discussion to the mode in which the present state of the public balances was brought about—my only object is to provide the House with trustworthy, clear, and accurate information. On the 5th of April, 1853, the balance in the Exchequer was returned at 7,859,000*l.* On the 5th of April, 1854, the balance in the Exchequer was returned at 2,778,000*l.*, thus showing a decrease in the balances of the Exchequer of 5,081,000*l.*, or in round numbers something over 5,000,000*l.* Then it is right you should perceive, Sir, how this reduction in the balance has been brought about. The public funds have been applied this year over and above the ordinary methods of expenditure under the following heads and to the following extent:—8,048,000*l.* of the funded debt has been paid off; 716,000*l.* has been paid away in advances under the head which is commonly known as advances to public works, over and above the ordinary repayment of advances which is usually set down under that head, and this amount of 716,000*l.* does not indicate or belong to any extended scheme of public works, but it has arisen out of the Metropolitan Advances Act of last Session, being a mere transfer of the money, and having nothing to do with public works that have been performed. Besides this, the unfunded debt has been reduced between April, 1853, and April, 1854, by the sum of 1,718,000*l.*; so that the reduction of the debt and the payments we have made amount together to 10,482,000*l.* I have shown that out of this 10,482,000*l.* above 5,000,000*l.* represent the decrease in the balances of the Exchequer. But besides that, there is an amount of 1,274,000*l.* of new stock created by the Commissioners for the Reduction of the National Debt in respect of Exchequer bills which they had purchased and cancelled, and there was likewise the sum of 420,000*l.* altogether of new debt arising out of the issue of Exchequer bonds. Putting, therefore, together the diminution of the public balances with the new funded debt which has been vested, it amounts to the sum of 6,775,000*l.*, against the sum of 10,482,000*l.* of which I have already spoken. The remainder, the sum of 3,707,000*l.*, is chiefly to be accounted for—I do not say altogether accounted for—by the application of the surplus revenue to the balance in the Exchequer as it appears in the balance-sheet, where the exact sum so applied is stated at 2,778,000*l.*

Now, it is desirable that I should make a statement to the House with reference to the manner in which that balance is brought up to the amount necessary to cover the charge on the quarter that has just gone by, and which must be liquidated during the present quarter. That amount of charge consists mainly of the interest on the permanent debt, and on the terminable annuities to which the sum in the Exchequer is to be applied. The fund now in hand, as will be seen by the account published on the 6th of April, amounts to 2,778,000*l.* In point of fact, according to that statement so published, the proportionate amount of deficiency bills required to meet the charges on the late quarter, and which fall to be liquidated during the present quarter, is 5,852,000*l.* And it is not unnatural that there should be some uneasiness in the public mind—deluded, I must say, and mystified as they are by the system in which the public accounts are kept—when they see such a formidable amount set forth as required, under the name of deficiency bills, as 5,852,000*l.* It is a very large, it is an enormous sum, when it is considered that it is all required at once, to make up a deficiency. Here, however, I must say that the amount of deficiency bills is not quite so large as is here stated, owing to a certain deduction to which it is liable; and the actual amount of deficiency bills brought to charge in April, 1854, would be more correctly stated at 5,472,000*l.* I must say, however, that does not make any very material difference. 5,472,000*l.* is a very large sum of money to have the ugly word "deficiency" attached to, and I do not wonder that Gentlemen who are not aware of what these figures really do mean should be astounded at the demands that seem thus to be made by the Government upon the Bank of England for its temporary accommodation. But I wish the House to understand what this accommodation really is, and if they will follow my statement they will find that this nominal amount bears no rational relation to the sum actually demanded.

It is to be observed, Sir, in the first place, that in April, 1853, when the balances in the Exchequer were extremely large, there was an apparent amount of deficiency bills to the amount of 1,407,000*l.* But on every day of that quarter during which this charge was put against the public, there was a large amount of public money actually in the possession of the Bank of England. The amount of deficiency bills was then 1,407,000*l.*; it is now 5,852,000*l.*, showing an excess for the present year of 4,445,000*l.* But of that sum of 1,407,000*l.* of deficiency bills last year, the greater part never was charged against the public, the sum of 300,000*l.* only being chargeable with interest. The House will naturally wish to know how it is that these figures and this statement of the deficiency bills, and of the accommodation received from the Bank of England, though put forth to the world with such apparent authority, do not really indicate anything like the state of our accounts with the Bank, and consequently do not tell the truth, but leave the public to draw a false inference. Sir, I think it is material to state these facts, because I find that even the best informed persons out of doors believe that the amount of the deficiency bills, as published on the 6th of April last, represents, or nearly so, the amount of accommodation given by the Bank of England to the Government, for the way in which this amount is calculated is this:—It is generally supposed that the whole charge which has accrued during the past quarter against the public—which the public is liable to pay, and which it will be called upon to pay out of the income of the present quarter—will be an effectual charge at the commencement of the quarter. Though it is demonstrably certain, experience in this case is a surer guide than even demonstration—that that charge will not or cannot become effectual at the beginning of the quarter, but that a large proportion of the money assured as necessary will remain in the Bank till the calls upon the public have been overtaken by the growing revenue of the new quarter. That, Sir, is the way in which the discrepancy arises; and I do not wonder when Gentlemen hear of the great amount of accommodation which the Government requires from the Bank of England during the currency of the present quarter, that their minds are led away with the notion that the sum of 4,000,000*l.*, 5,000,000*l.*, or 6,000,000*l.* is the amount actually required. Sir, the real amount is very different.

I have thought it my duty to refer to this matter, not so much in a pecuniary point of view as in order to dispel what I conceive to be at this moment a very mischievous and injurious misapprehension—I have thought it my duty, having first taken advice, that it was legally competent for me so to do. I have thought it my duty to regulate the issue of the deficiency bills with some reference to the actual demands upon the Bank, that is to say, to apply them to the particular purposes of the public service on the selfsame principle on which every other payment of public money is applied—the principle of meeting each particular amount with a particular estimate. By the adoption of that course the total amount of deficiency bills actually chargeable to the public yesterday is diminished from the formidable statement as it stands in the papers before the House, namely 5,852,000*l.*, to the more moderate statement of 2,808,000*l.* The sum of 2,808,000*l.* represents the amount of deficiency bills actually chargeable against the public yesterday. I am not able to state the actual amount to-day. It is not greater; I believe it is less. And, Sir, it must not be supposed that the deficiency bills have thus been reduced in amount by unduly starving the public accounts, or by running the risk that when persons came with their just claims upon the Treasury, they should receive for answer, "No effects;" because, when the business at the Bank terminated yesterday, there was in its possession money to the amount of 679,000*l.* Therefore the accommodation which the Government received from the Bank yesterday —and I take yesterday because I believe it represents the maximum charge brought against the Government for the quarter— the accommodation received from the Bank yesterday was 2,808,000*l.*, which, deducting the sum of 679,000*l.*, amounts to the sum of 2,129,000*l.* Sir, my opinion is this, though I do not mean to enter into any defence of that opinion, that if we were now at peace—if we had not a growing expenditure—if we did not run the risk of an expenditure which may possibly grow with greater rapidity and with greater uncertainty than in ordinary times—I do not at all think that this sum of 2,129,000*l.* would of itself be an extraordinary amount of accommodation which the Government had to receive from the Bank, when you look at the extent of the quarter's revenue, and the mode in which it has accumulated at the commencement of the quarter. But though I state that opinion with reference to ordinary circumstances, I do not state it with reference to the present circumstances, which are undoubtedly extraordinary. It must be obvious to every one that it is desirable to take security against chances which, at other times, it would not be necessary to calculate. I speak, therefore, of this 2,129,000*l.* as an amount to be progressively reduced, as I doubt not it will be without the smallest difficulty. What I wish to impress upon the House is, that the sum in question represents the actual amount of accommodation afforded to the public by the Bank, and that the sum of 5,842,000*l.*, which appears in the quarterly account, really has reference to no actual transactions, either in the disbursement of money or in the amount required. [Mr. Disraeli: You do not mention the sum required for the public service.] I beg your pardon; I thought I had done so. My object has been to show that the nominal amount of deficiency bills which appears in the quarterly statement represents the difference between the amount of requirements and the balance actually in the Exchequer on the 5th of April, and that the amount of accommodation from the Bank, which really is an accruing and approaching charge, is given in the same statement as if it were an actual charge. There is another point which I do not recollect to have ever been brought under the notice of this House; but I refer to it at this moment because it has been noticed out of doors; and I do not wonder at the sensitiveness of the public mind upon the subject. It has been supposed that these enormous and unusual demands made by the Government not only embarrass the Bank, but that they also go to reduce the amount of capital actually available for commercial purposes. If we were going on from year to year with the expenditure exceeding the income, which it was necessary to make up by deficiency bills, or even if it should be found necessary to issue deficiency bills in consequence of this House not having provided adequate funds to meet the public expenditure, I can understand that, *pro tanto*, the effect would be to withdraw from commerce some portion of those resources on which commercial men rely for carrying on their transactions; then, but under no other circumstances, I can understand that the country would be liable to suffer inconvenience. But there never was anything not only so erroneous, but so ludicrously erroneous, as the statement that, in the present instance, the demands of the Government have withdrawn from the general purposes of the London money market either that large sum for deficiency bills to which I first referred—that is, those fictitious bills, or this small sum for deficiency bills which is now active, or any sum whatever. The exact contrary is the case. The truth is, the large disbursements of the Government, the paying out into the money market from the balances, every farthing of which, when paid into the money market, is available for all the purposes of the money market, constitutes a customary operation. On the 10th of April we were deficient to the extent of 2,129,000*l.* This is an actual accommodation. But on the 5th of April 2,000,000*l.* were paid in the money market; consequently there is a difference of 129,000*l.* But those 2,000,000*l.* were not lost, they were not consumed by the excess of expenditure over income, for they were paid to the holders of stock. What did those people, the holders of stock, do with the amount? They did not tie the money up in napkins and put it away. I apprehend they passed it to their bankers, or other persons, and so it got into commerce again, or they purchased other stock with it. This was the course which this money took; and it was just as available for the purposes of the money market, when the holders paid for this stock, as it would be by remaining in the balances in the Bank of England. This, Sir, is the case with the present quarter. But I must look back to the last quarter; and what then took place? 6,000,000*l.* were paid in the same manner out of the Government funds in the Bank into the money market, and thus added to the loanable capital of the country. The whole amount thus added to the loanable capital of the country, by payments from the balances and by deficiency bills, was, in round numbers, about 8,000,000*l.*; while the whole amount taken on accommodation, and therefore withdrawn from the commerce of the country, was 2,129,000*l.* I therefore hope I may consider that the state of the facts—for this is not a matter to have recourse to argument upon—disposes of any notion that these operations of the Government in the liquidation of stock have withdrawn from commerce any portion of the funds which would, under ordinary circumstances, have been at its disposal. I shall entirely refrain on the present occasion from going into any such question with regard to the state of the balances as respects their bearing upon the operations of last year. I shall reserve these subjects, although there are points which it may be necessary to open at a future time—I say I shall reserve them altogether, and I shall confine myself to those matters which are simply matters of fact, and which do not constitute in any sense either an apology or a defence of any measures which have been undertaken by the Government.

But there is another point to which I shall very shortly refer, because it touches upon a matter that is in some degree supposed to be a question of good faith. It has been an idea of some persons that there was a certain compact made in the year 1844—not written, but understood—between the Government and the Bank of England; and, of course, I am not at all intending to state that this idea is propagated or countenanced by the Bank of England—under which demands for deficiency bills were not to be made upon the Bank of England under the charter then granted. Now, Sir, of this unwritten compact no trace whatever is, to my knowledge, to be found; but there is to be found, not the trace of a written compact, but a written compact itself, very full and express in its terms, and it is that which I will state. The matter was fully discussed between my right hon. Friend the Member for the University of Cambridge (Mr. Goulburn) and the then Governor and Deputy Governor of the Bank of England at that period; and the understanding, in express words, to which they arrived, was this—that if, on the one hand, there was a diminution of the public balances below what they then usually were, the Bank were to have a claim, in that respect, against the Government; but if, on the other hand, there was an increase in the public balances above what they had usually been, then the Government were to have a claim against the Bank for the share of profits arising from the custody of this deposit. Of course, if it were the other way, the Bank would have a claim upon the Government for interest. Upon a future day it will be my duty to go more at large into that subject, because there are matters of considerable importance connected with it; but I do not propose to do so at this present time. What I propose to do now is simply to refer to this compact; and I think I have shown that the presumption upon which my right hon. Friend Mr. Goulburn and the Government acted upon the one hand, and the Governor and Deputy Governor of the Bank upon the other, was this—that the public balances, and consequently the deficiency bills which are the correlatives of the public balances, were to remain in future time as they had been at that time.

Then the question arises, what was the state of the public balances, and what was the demand for deficiency bills at that time—namely, at the time when this arrangement was made between my right hon. Friend (Mr. Goulburn) and the Bank? If I were to construe, as I might if I were pressed in argument, this to mean that the amount of deficiency bills was to be measured by what they had been for a year or a couple of years before the time of that compact between the Government and the Bank, I really should appear almost to prove too much; but what I propose to do is this: I propose to take the two quarters immediately preceding the arrangement between the Government and the Bank. I think that is fair. I take them as a measure of the usual state of the public balances, and of the usual demand for deficiency bills, because they present the largest balances and the smallest amount of deficiency bills of any for a long time. In the quarter ending January 5, 1844, the amount of deficiency bills issued—and I am not now dealing with the years of distress of 1842 and 1843 — was 5,462,000*l.*; the amount issued in the quarter ending April 5, 1844, was 3,967,000*l.* Compare these amounts with those in 1854, which is supposed to be so remarkable a case. Well, Sir, then I find that in the quarter ending January 5, 1854, the amount of deficiency bills issued was 3,711,000*l.*, and that the amount issued in the quarter ending April 5 was 5,472,000*l.* The average of the two quarters in 1854 is 4,591,000*l.*; in 1844 it was 4,714,000*l.* Certainly the two averages are very near to one another; but the amount of deficiency bills issuable at this moment, taking the average of the first two quarters, is but a trifle less than it was in 1844, when my right hon. Friend (Mr. Goulburn) entered, on the part of the Government, into this compact with the Bank.

I pass on now to state a very few facts with regard to the unfunded debt. This is a question upon which it had been my intention to have treated more at length, because the differences between the right hon. Gentleman (Mr. Disraeli) and myself as to the reduction of interest upon Exchequer bills do not, I think, refer to the commendations or the censures on the Ministry or the Government for particular transactions. If they did that, I should regard them as of little consequence; but they refer to certain principles of administration, by which principles, I must confess, I intend, and am prepared, to abide. But I shall pass entirely by that discussion. My object at the present moment is merely to state the condition of the unfunded debt. The amount of Exchequer bills authorised to be issued in 1853 was 17,743,000*l.*; the purchase and liquidation of the Exchequer bills of the June issue reduced the amount by nearly 4,845,000*l.* That it will be admitted upon all hands would have realised to the public a very great advantage; but it has been almost wholly lost in consequence of the necessary reissue, first, to pay off the holders of non-assenting stock; and secondly, with the view of keeping up the public funds to meet the demands occasioned by increased expenditure for the purposes of war, and in anticipation of the taxes which have been granted this year. The amount of Exchequer bills has, therefore, increased from the minimum of last year 12,897,000*l.* to 16,025,000*l.*, at which they stood at the end of last quarter. Besides, since the last quarter the Treasury have issued a certain portion of the Exchequer bills authorised by Parliament to be issued under the last Act; so that at the present moment the amount of Exchequer bills may be stated generally to be 16,600,000*l.* The total amount authorised by Parliament to be issued is 17,774,000*l.*, so that we are at present short of the maximum which we have power to issue to the extent of 1,174,000*l.* I am bound to say that some portion of that amount may be issued from time to time as the exigencies of the public service may require; but I have no present reason to expect that I shall have any further demand to make upon Parliament for Exchequer bills during this present Session. I may also say I have no present reason to expect I shall have occasion to issue the whole amount authorised by the Act already passed.

There are, however, a few words which I have yet to say, immediately relating to the subject of the unfunded debt, in regard to which I wish neither to give credit or discredit, or praise or censure, to any particular Government. It is a matter in which we have a common interest, and one in which the Legislature and the Executive can have no other interest than that which they take in a sedulous adherence to the general principles upon which the finance of the country is maintained, and upon which the most careful provision is made for meeting every demand upon the Exchequer. I think it is not unsatisfactory, I must confess, to look at the present state of the public credit. About a week or a fortnight ago there was something prevailed which could not be designated panic, perhaps not even alarm, but which certainly was apprehension. No people, I believe, in the world have so much self-command, or so much knowledge of their own public affairs, as the people of this country; but still we are all flesh and blood, and in times of trouble and disturbance men's imaginations are active, and they sometimes fail to take a calm view of their own position. Let us, however, look at the matter as it now stands, and I think the best way of estimating the condition of the public credit at this moment is to do two things—first, to compare the price of our public securities with what the price of the corresponding securities is in the most favourably situated foreign country; and, in the second place, to compare them with what they have been in this country itself in former times. I will, therefore, compare the state and course of public credit in this country at the present moment with what it was last year; and then I shall see how the relation between our public credit now and twelve months ago stands, when it is compared with the public credit of France now and twelve months ago. On the 1st of April, 1853, the French three per cents were at 79*f.* 25*c.*; on the 1st of April, 1854, they were at 62*f.* 60*c.* There was thus a falling off upon the French three per cents amounting to 16*f.* 65*c.* or nearly 21 per cent. Now I will take English Consols. On the 1st of April, 1853, they stood at 99⅞; and on the 1st of April, 1854, they stood at 86¼. There was thus a falling off of 13⅝, or about 14 per cent of decline in the value of these great securities in England as compared with the decline of 21 per cent in a country which is not a poor country, not an ill-organised country, but which, on the contrary, possesses the greatest money market in Europe, after England. Then I compare the present price of Consols with what it has been in former times; and now the House will recollect that we are in the midst of a European war, that we have a force of 60,000 men on foot, and that we have extra armaments for the purpose of that European war. I do not propose to go back—which might, perhaps, fairly be done; at any rate, I do not propose to refer to them—to years of war as a standard of comparison. Even as compared with years of peace, the present state of the public funds is not altogether devoid of materials for satisfaction and congratulation. Of course I do not mean to look at the funds, and public stocks, at the state at which they have been of late years. I look back for the last twenty years. There are six of these years, although they were six years of peace, in which the price of Consols has gone lower in the midst of peace than it has now gone in the midst of war. Two of those years are years which are least material to the comparison, for they are the years 1848 and 1847. The year 1848 was a year of peace for us, though a year of war for the Continent; and 1847 was a year of famine. The closing price of Consols last night was 88¼. In the year 1848 Consols stood at 88¼; in 1847 they stood at 79⅝; but in the other four years, which were years of peace in the strictest sense, and not years of extraordinary distress, Consols went down lower than they were last night, when we were in the midst of a European war. In the year 1841 they went to 87½; in 1840 they went to 87; in 1836, which was a year of great prosperity upon the whole, Consols went to 86¾; and in the year 1834, which was a year of uniform prosperity, they went to 87¾. Therefore it appears that in times of peace and prosperity you have not been able to keep up the price, and you find it at a point equal to that at which it now stands, in the midst of great expenditure and of menacing prospects.

There is only one other point of comparison which I will take, and that is the price of Exchequer bills. I propose here to institute the same comparisons with the corresponding documents in France called *Bons du Trésor*, as I did in the case of Consols. It is a very simple statement, and the House will at once comprehend it. On the 1st of April, 1853, Exchequer bills in England were at 1½ per cent, and on the 1st of April, 1854, they were at 3 per cent; that is to say, there was an increase of 100 per cent on the rate of interest. On the 1st of April, 1853, the French corresponding documents bore a rate of interest varying, according to the terms for which they had to run, from 1½ to 2 per cent, up to 3 per cent. The mean rate of these three rates was 2¼ per cent. On the 1st of April, 1854, these documents stood at from 4½ per cent to 5 and 5½ per cent. The mean of these rates is 5 per cent. Therefore, whilst you increase from 1½ per cent to 3 per cent, or at the rate of 100 per cent, the French increase from 2¼ to 5 per cent, or at the rate of 122 per cent. I have shown, therefore, taking the country which, upon the whole, is the one which can most fairly be referred to, not merely that the rates of interest payable in this country are lower than they are in France—and if that were all it would be very well—but that the rate of interest at this moment, compared with what it was twelve months ago, has undergone a smaller increase in this country than it has, taking corresponding periods, in France. This is the whole of the statement with which I think it necessary to preface the Motion I am making. I hope I have confined myself, and strictly confined myself, to matters of fact. I certainly might have had much more to say, but which I have gone by, upon some of the subjects on which I have touched, especially the question of the issue of deficiency bills and the understanding with the Bank. As to the arrangement with the Bank, I may have more to say at a future time. With regard to the question of the interest upon Exchequer bills, no doubt occasions may arise when we may again debate the very important question of the principles upon which that portion of the debt ought to be managed. For the present, I have shown to the House that the state of the revenue during the past year, all circumstances being taken into consideration, has been manifestly satisfactory; that the demand made by the Government upon the Bank for accommodations, although it has been a demand which it would be desirable to contract and reduce, yet is not a demand which need inspire any person with alarm or apprehension; and with regard to commerce, no contraction of its resources has taken effect in consequence of any operation of the Government under the law; that with regard to the unfunded debt, its extent is moderate, and likely so to continue; and with regard to public credit, that it is in a condition with regard to which we may feel satisfied and thankful, when we consider the difficult and menacing circumstances in which both this country and the whole of Europe is at present placed. Having said this much, Sir, I will only beg to move that the balance-sheet be laid upon the table.

MR. DISRAELI: I quite agree, Sir, with the right hon. Gentleman the Chancellor of the Exchequer that a Motion for placing the balance-sheet upon the table is not a very convenient one for raising a financial discussion. Of course it is a great disadvantage to follow the Chancellor of the Exchequer under such circumstances; for he, as the Finance Minister, has information which must be unknown to us until the paper is in our hands, and we can only obtain from him a statement of some leading facts to guide our judgment. I think, therefore, it is convenient, as a general rule, that the House should not be led into a financial controversy under such circumstances. It certainly was not my intention to have made any observation whatever on this occasion had it not been for the Motion put upon the paper by the Chancellor of the Exchequer. I accept his version of that Motion, however; and, therefore, I shall entirely avoid any controversy upon the system of finance which he has explained. With regard to the returns for which I have moved, I can assure the right hon. Gentleman that it was not with reference to the present Motion. They are, I should say, a continuation of returns which I moved for in the early part of the year, in order that the House and myself might be in possession of authentic information when—if I thought I was justified in so doing—I should bring before the House the condition of our finances. They had not, therefore, the least reference to the present Motion. I shall confine the few observations I am about to make entirely to matters of fact; but there are one or two points in the statement of the right hon. Gentleman which I do not think I ought to pass unnoticed. As regards a matter of fact, I beg to remind the House, in vindication of myself, that the right hon. Gentleman's own statement to-night has fully justified a statement I made in some observations which followed his financial statement on the 5th of March—first, as to the probable amount of the balances in the Exchequer at the end of the financial year; and secondly, as to the amount of deficiency bills which he would require for the quarter. On that occasion I said that, so far as I could form an estimate, it appeared to me that the balances in the Exchequer on the 5th of April could not exceed 3,000,000*l.* The right hon. Gentleman on that occasion said, "I have the misfortune to differ from the right hon. Gentleman; I think the balances will be 4,000,000*l.*" I would beg to remind the House that my estimate was not an indiscreet one from which the right hon. Gentleman had the misfortune to differ. Although I was not prepared with the data which the right hon. Gentleman has at his command, yet the returns he has now placed upon the table show that the balances in the Exchequer are not more than 2,800,000*l.* This shows that my estimate was, of the two, the most correct, and that it did not deserve the sceptical reproof of the right hon. Gentleman. Now, what was my estimate of the amount of deficiency bills? I said that, so far as I could form an estimate, it appeared to me the right hon. Gentleman would require about 6,000,000*l.* of deficiency bills. The right hon. Gentleman questioned the accuracy of that statement, and said the deficiency bills for the quarter would, in his opinion, not be more than from 4,000,000*l.* to 4,500,000*l.* I said 6,000,000*l.*, and it now appears that the actual amount is 5,852,000*l.* I think, therefore, that I was more correct than the right hon. Gentleman on this, the second point. Now, there is one other point upon which the right hon. Gentleman did not touch, but upon which I should like to have some information. I collected from the right hon. Gentleman, when he last spoke on these subjects, two or three weeks ago, that there were certain bills charged upon the Consolidated Fund, but I do not remember that he has made any reference to those bills on this occasion.

THE CHANCELLOR OF THE EXCHEQUER: The bills to which the right hon. Gentleman refers are called "Consolidated Fund bills." They are bills met by the Bank, but they are not held by the Bank. They are met by public money, through the Commissioners of the National Debt, and not by accommodation from the Bank. The amount is 750,000*l.*

MR. DISRAELI: Very well. Having adverted to these two points—namely, the amount of the balances at the end of the financial year, and the amount of the deficiency bills which the right hon. Gentleman will require for this quarter—and reminded the House of my estimates upon them, I must beg to make but one observation upon what the right hon. Gentleman has said on the subject of deficiency bills. I confess that to me his statement was not satisfactory. The right hon. Gentleman acknowledges that the public requirements exceeded the resources in the Exchequer at the end of the financial year to the amount of 6,000,000*l.* sterling; "but," says the right hon. Gentleman, "I need not require the whole of that 6,000,000*l.* immediately from the Bank, for the revenue is coming in, and so I manage to get on." But the right hon. Gentleman cannot conceal from the House or from the country that he shows at that time a deficiency in his resources to the amount of 6,000,000*l.*; and though he may put off the evil day—though he may use the resources that are coming in, and which may be wanting for something else—still the state of the public treasury is, that he is minus the sum of 6,000,000*l.*; and that that sum is necessary, absolutely necessary, in order to carry on the public service, up to the completion of the financial year. The right hon. Gentleman treats very lightly, and ingeniously glosses over, this most important subject. I am certain myself that its importance will be continually felt, and that, as this year advances, there will be more than one occasion when we shall be obliged to call the attention of the House to it. I shall, however, follow the example of the right hon. Gentleman to-night, and not enter into any argument upon the subject of the deficiency bills. I will adhere to facts and statements, or, at least, to statements of opinion. But I must say that the views which the right hon. Gentleman has expressed upon this subject are not, in my opinion, the views which are entertained by men of business. I am going to read a very short extract, indeed, from the evidence given before the Committee upon Commercial Distress in 1848; and the House will not find this wearisome, because it is the evidence of an hon. Member of this House. It is, therefore, as interesting as a speech from that Gentleman. Much evidence that is quoted is that of persons you know nothing about—it goes in at one ear and comes out at the other; but when it is the evidence of a brother Member, and a Member of all authority upon the subject, it is rather entertaining, and very often, like other works, very instructive. Now, I shall not quote the evidence of any gentleman opposed to the opinions of the right hon. Gentleman. I shall quote, upon the subject of deficiency bills, one of his supporters, the hon. Member for Kendal (Mr. Glyn). The hon. Member for Kendal was examined before the Lords' Committee in 1848; and the House, I trust, will let me read two or three questions, with his answers to them, on that occasion:—

> "By the returns before the Committee it appears that in October, 1841, there was a demand for 4,800,000*l.*; in October, 1842, for 4,900,000*l.*; in October, 1843, for 3,700,000*l.*; in October, 1844, for 2,500,000*l.*; and in October, 1845, for 829,000*l.* Subsequently to that, the Exchequer balances becoming full, that demand ceased; but

supposing that in October, 1847, there had been a demand upon the Bank of England for advances for the public service to the extent of three or four millions, what would have been the consequence of such an advance in the then state of the reserve?"

His answer was:—

"Either the Government must have been refused, or the directors must have limited the commercial discounts in order to meet the demand of the Government, or they must have sold stock to draw in the notes, and advanced them again upon deficiency bills."

The examination went on:—

"It is unnecessary to pursue the consequences of refusing the demand of the Government, which would have been the refusal of the means of paying the dividends; but, passing to the second alternative, what do you conceive would have been the consequence of limiting the commercial accommodation, at that period, to that extent?—There would have been an enormous increase to the pressure. It would have been almost the ruin of the commercial world to have refused discounts then. If two millions had been the amount of the deficiency bills, I do not think the stock market would have borne the sale of two millions of securities at that time; at any rate, it would have occasioned almost equal pressure as the refusal of discounts, and a great depreciation in Government securities. That period of pressure was relieved by the issue of the letter of Lord John Russell and the Chancellor of the Exchequer.

"Do you consider that the effect would have been the same with respect to commercial credit if the letter had been issued, not for the purpose of relieving commercial pressure, but in order to obtain an advance for Government purposes?—I think it would have been a dangerous experiment for the Government to have issued a letter for the purposes of Government; they would not have had much sympathy on the part of the public.

"Then, in the event of circumstances happening which, either by increasing the expenditure of the country, or by limiting the revenue of the country, would have the effect of reducing the balances in the Exchequer, is there not, as a consequence, an impending necessity of borrowing upon deficiency Bills to pay the dividends?—Certainly.

"Then, in the event of any circumstance reducing the banking reserve to the extent to which it was reduced in October last, do you see any mode of extrication from that difficulty at such a period?—Not any mode of relief from that difficulty upon an application made by Government to the Bank at any such period. I conceive Government might have been relieved by a loan."

Says the right hon. Gentleman the Chancellor of the Exchequer, "You had in 1844 and 1845 almost an equal amount of deficiency bills to that for which I am now calling on the Bank." But what was the state of the balances in the Exchequer in 1844 and 1845? Were they at 2,800,000*l.*? No, they were much more considerable than they are now. I want to show the House that here is an opinion which ought, I think, to influence them on the subject of the Government borrowing upon deficiency bills. The right hon. Gentleman himself does not advocate habitual borrowing upon deficiency bills. All these cases to which this evidence refers are cases of but occasional loans; but the right hon. Gentleman is now an habitual borrower upon deficiency bills, and at the same time he tells you, "If you ask me whether 4,000,000*l.* or 4,500,000*l.* is a sum that ought to be taken from the Bank quarter after quarter, I must unhesitatingly answer, no." Now, I want to know what prospect there is of any change in the position of the right hon. Gentleman? But the appeal of the hon. Member for Kendal was not the only one. I was myself a Member of the Committee on Commercial Distress in this House. We had before us a very great authority on this subject—one of the principal partners in the most eminent house of Baring and Co.—the most eminent house in England—I mean Mr. Bates. And what did Mr. Bates say at page 183 of his evidence? Why he attributed the panic of April, 1847, to the Bank being called upon to advance heavily on deficiency bills. Now, I want the House to consider this. Are we at this moment in circumstances which would allow us to suppose that emotions of panic may not occur again? What would produce panic but those terrible events that we are almost hourly expecting? The right hon. Gentleman says, already there has been, if not a state of panic, at least a state of great apprehension. If there is any military disaster, or if there should be treachery upon the part of those we consider our allies, if circumstances occurred to turn the course of exchange against us, you would have renewed and perhaps aggravated apprehensions. With the prospect of an European war, and, as we have been informed to-night by a great authority, with the prospect of a protracted war, do you think it advisable that the Government should be habitually doing that which Mr. Bates, the very highest authority upon the subject, tells you produced the panic of 1847—namely, the Government borrowing upon deficiency bills to the amount of 2,000,000*l.*? This is the point which I wish to impress upon the House—that I cannot assent to the opinion of the right hon. Gentleman the Chancellor of the Exchequer, so far as the balances in the Exchequer are concerned, and the mode by which they are replenished, namely, by habitual loans on deficiency bills. I cannot give my assent to his view that such a state of things is one upon which the country may be congratulated.

I think if the right hon. Gentleman pursues that course, he will find himself ultimately in a state of great difficulty; and I would much sooner that, during the recess, he should devise some means by which he may put an end to the necessity of borrowing habitually on those deficiency bills; and then, when the next discussion takes place upon finance, which is to be of a more controversial nature than that of to-night, the right hon. Gentleman the Chancellor of the Exchequer would be in a more satisfactory position, and would be able to inspire the country with more confidence than he certainly can do upon the present occasion.

MR. BARING said, that he had been much surprised that the right hon. Gentleman the Chancellor of the Exchequer had thought fit to introduce these papers with a long and elaborate explanation, which, so far as he could understand the object, was for the purpose of allaying any apprehension which might exist out of doors. The very notice that the right hon. Gentleman was about to make a statement had produced far more apprehension and excitement in the City of London than anything else had done before, and it was rumoured that there was to be a fresh issue of Exchequer bills, that the right hon. Gentleman was about to introduce a loan, or some fresh income tax. At first all kinds of rumours had been afloat as to what was about to be proposed, and it now seemed that all that was required was to compare the state of the English with the French funds, to show that the English funds were not lower, and the deficiency bills not higher now than they were in 1844—a time, by the way, immediately following the financial effort of the late Sir Robert Peel, by means of the income tax, to correct those evils which he (Mr. Baring) was afraid would very soon again arise in this country. In 1845 the deficiency bills were very little or nothing—that operation of the income tax obviated the evil which it was intended to obviate, and things went on straight and in order. If he had thought that there was any cause for the right hon. Gentleman to remove alarm, he should have been satisfied with the speech which he had made; for, coming from so high an authority, and delivered with the right hon. Gentleman's accustomed ability and talent, it was well calculated to remove any apprehension, if indeed any existed in the country. He confessed, however, that he saw no cause for apprehension with regard to the credit of the country. The public credit could only be damaged by mismanagement; and he trusted after all that had passed that the right hon. the Chancellor of the Exchequer would in his future financial measures exhibit a little more caution than had perhaps been displayed by him hitherto. There was one point, however, upon which he had heard the right hon. Gentleman with great regret—it was where he had urged and laid down as the principle of his system of finance that he was not to provide by means of the incoming revenue for the engagements he had to meet, but to meet those engagements by subsequently accruing revenue and deficiency bills. He perfectly agreed that the Government had a very fair claim upon the assistance of the Bank of England, nay, more, he thought it was the duty of the Bank of England to assist to the utmost of its power whoever might be at the head of the financial affairs of the country, and that for this obvious reason, that not only was the Bank of England the agent of the Government, but it was only by the preservation of public credit that private credit could be maintained or assisted in this country. If there was the slightest hesitation in the maintenance of the public faith, or the performance of public engagements, of course the Government would have the first claim for any assistance that it might desire, and that assistance the Government would be perfectly right in taking. But there were occasions when such assistance could not be sought without injury—occasions such as those to which the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had alluded, when the Bank might find itself placed in circumstances of difficulty to meet the wants of the Government. It was therefore objected to, not because in a time of prosperity there existed any danger either to the Bank, to public credit, or private aid, in relying upon deficiency bills; but it was because circumstances might arise, which no Minister could foresee, in which that assistance, if demanded of the Bank, might very much interfere, especially under the present banking system, with the necessary accommodation to the commercial community and the maintenance of private credit; it was this which constituted the real danger of relying upon the system of deficiency bills. The hon. Member for Kendal (Mr. Glyn), whose speech had been alluded to, when appearing to advocate the course adopted by the right hon. Gentleman the Chancellor of the Exchequer, added very shrewdly, "The Bill of 1844 ought to be altered." He did not want to enter upon any discussion on that Bill; but this he would say, that if they were determined that that Act should be fairly tried, the Government of the country ought not to rely upon the Bank for aid, while at the same time it possessed only very small balances to meet great exigencies. He feared that the right hon. Gentleman was making this policy the keystone of his financial system; he would warn him, if such was the case, that there might be times when there might occur a check to incoming revenue; and he would then see that, whatever might be the inconvenience of providing beforehand the means of meeting engagements when due, and whatever might be the plausible theory that he could employ the balances of the Exchequer instead of leaving the Bank to employ them, that still great injury might arise in cases which had been referred to, from the adoption of such a system. The right hon. Gentleman appeared to treat lightly the amount of deficiency bills; he stated that it was not 5,000,000*l.*, but only 2,500,000*l.*, which the Bank was called upon to pay. But he forgot the liability there was in the Bank of England; that the Bank was still liable for that larger amount; and that the Bank, acting as it must do under certain restrictions when it had engaged liabilities, must be prepared to meet them whenever the time might arrive for their being called upon to do so. He was so completely at issue with the right hon. Gentleman as to the policy which he was disposed to pursue, and so dangerous did that policy appear to him, that he could not avoid entering his protest against it as an act of policy, and stating that, in his view, it was one fraught with danger to the financial security of the country. Some allusion had been made by the right hon. Gentleman to the decline in the price of the French funds; but that depreciation was caused by the fact that at the time the French Government had strained to the utmost the Exchequer-bill system, and had brought it to such a point that they could no longer by its means meet their wants by borrowing either of the Bank of France or by having recourse to *Bons du Trésor*, and it was known therefore that the Government must have recourse to a loan in the market. That would be the danger to which the right hon. Gentleman would be exposed if he found that he could not get out his Exchequer bills so easily as he could have floated them if he had not reduced the rate of interest, and if the money formerly invested in them had not been locked up in other securities. He would find that he could not so easily borrow money from the Bank of England, and then he would find that he would be compelled to make a loan, probably at the least favourable moment. He did not wish it to be for a moment supposed, either by the House or the country, that the Government would not be able to borrow without the slightest danger to the borrower or lender, or the future prosperity of the country. He thought that the right hon. Gentleman (the Chancellor of the Exchequer) in his Budget speech had taken a narrow view of the question when he stated, a short time since, that the great debt of this country was an obstacle to borrowing money for the expenses of the war. Let them only prove the war to be a just and a necessary one, and every effort would be made which should be made to meet the necessities and demands of the war. It might be very well to say, so long as they could meet the expenses of the war by taxation within the year that it would be desirable to do so. But when the expenditure might be changed from 2,000,000*l.* or 3,000,000*l.* to 20,000,000*l.* a year, they must recognise the fact that not only could they not raise that sum from direct taxation, but that in point of fact it would be unjust to do so, not only to the present generation, but to future times. To attempt to raise so large a sum at once by direct taxation out of the narrow profit, narrow incomes, or capital of the country, would not be without its effect on posterity—it would drive capital out of the country, diminish and impoverish the resources of the nation, and the effect of these evils would be felt by posterity quite as much as by the present generation. His only anxiety was, that the right hon. Gentleman should well weigh the evils of the conflicting principles. With respect to keeping large balances, if the Government would employ them, as its agent, the Bank of England, did in temporary securities, the Government might do so profitably; but it was notorious that the Government could not do so, and the only safety for the right hon. Gentleman was to be provided beforehand with the means of meeting his engagements, and not to rely too much upon the aid of the Bank of England, or upon the continuance of times of prosperity.

Mr. LAING said, as the House was about to separate for a considerable period, he had heard with great satisfaction the statement of the right hon. Gentleman (the Chancellor of the Exchequer). He fully agreed with the right hon. Gentleman to the extent that great good would be done by disabusing the public mind on the subject of the amount of deficiency bills which would be required. He saw nothing in the existing state of things to call for anything like panic or serious apprehension. With respect to the general principle of whether it was desirable to draw upon the Bank of England even to the amount of 2,000,000*l.*, he entirely agreed with the opinion of the hon. Member for Huntingdon (Mr. T. Baring), that the danger of such a course would be very considerable, and that, even in ordinary times of peace, any advantage to be derived from the small rate of interest, by keeping only a small balance at the Bank would be more than balanced by the danger to the public interests of the country in a time of commercial distress. The right hon. the Chancellor of the Exchequer had not correctly appreciated the effect upon the public market of the recent alteration in the state of the balances of the Exchequer. A sum of 5,000,000*l.* or 6,000,000*l.* had been taken from the habitual balances of the Bank, and had been applied in paying off as much of the national debt of the country. If that money had not been buried in the ground, or locked up in another shape, it would have gone to increase the means available for private and commercial purposes. The effect of the alteration was to withdraw 5,000,000*l.* or 6,000,000*l.* of money, previously available for commercial and short-date purposes, to the purchase of funds, investments in mortgages, and other securities of a long date. The effect of this was to force up the price of the funds; and, upon the other hand, when accommodation was required from the Bank to meet the deficiency, it augmented the scarcity felt towards the end of the last quarter. The only question which now remained was, what course was to be taken to replace the deficiency in the balances caused by the abortive operation of the right hon. Gentleman in dealing with the funded debt? He (Mr. Laing) went with the right hon. Gentleman in making that experiment, but he believed a mistake had been made by the right hon. Chancellor of the Exchequer, when he clearly ascertained that the course of events had gone against him and the experiment was a failure, in not meeting the payment of the large amount by some proposal to convert into "stock," at a small bonus, the funds of the dissentient shareholders who might by this means have been induced to take stock instead of money. There was one golden rule in speculation, which was, that when a person speculated upon any particular event, and that event went against him, then the sooner he got out of the difficulty the better. He was anxious to see an amount of stock created to supply the place of the funds which had been applied under very different circumstances to reduce the debt, and to replenish the balances in the Exchequer. Even at the risk of a temporary loss, he thought it would be advisable speedily to create some new stock in order to place our finances upon a sound and healthy footing, and to prevent our having recourse to a loan at a time when it would be raised probably upon less favourable terms.

Sir HENRY WILLOUGHBY said, he thought it would be a great improvement in the finance system of the country if the quarter's returns of the whole of the United Kingdom, instead of those of Great Britain alone, were published. In reference to the right hon. Gentleman's statement that the surplus of the financial year just expired was 3,000,000*l.*, he would observe that 1,500,000*l.* was to be deducted on account of the newly-created three per cent stock and Exchequer bonds. It would be idle, however, for him to enter largely into a discussion on a paper with the contents of which he was not familiar.

The CHANCELLOR of the EXCHEQUER said, the right hon. Gentleman (Mr. Disraeli) and, still more, the hon. Member for Huntingdon (Mr. T. Baring) had entirely misapprehended, and, consequently, had mis-stated to the House both the language he had used, and the principles and opinions he had expressed. The right hon. Member for Buckinghamshire said, "It won't do for you to be an habitual borrower upon the Bank;" and the hon. Member for Huntingdon declared that he (the Chancellor of the Exchequer) made the use of deficiency bills the keystone of his system of finance. Now, he had never used any such language, and had never done any such thing. What was the truth about his being an habitual borrower? Why, this was the very first quarter he had borrowed at all; and, under such circumstances, it was very hard to be charged with being an habitual borrower. He had been furnished by the Bank with a statement of the amount of deficiency bills issued and brought to charge during the last quarter, and the result of this statement was, that there were only eight days during the last quarter—during the previous quarters he believed there were not any at all—at which the Bank was in advance of the public balances, and upon those eight days the amount of accommodation varied from 29,000*l.* to 125,000*l.* The sum of 125,000*l.* was the largest amount of accommodation from the Bank during the last quarter. There was, therefore, he repeated, no foundation for the statement that he was an habitual borrower—far less that he had made the issue of deficiency bills the keystone of his system of finance. Nothing which he had ever said, and nothing which he had ever done, bore the slightest correspondence with the statement of the hon. Member for Huntingdon on this point. He had, indeed, said—and this was a matter no doubt open to discussion—that a moderate and limited use of deficiency bills was, in his opinion, a good and prudent practice.

Mr. T. BARING: I did not attribute to the right hon. Gentleman the use of the expression that the issue of deficiency bills was the keystone of his financial system. I only said that was the tenor of his argument.

The CHANCELLOR of the EXCHEQUER: How was it possible that any such deduction could have been made from what he had said, when his argument went only to the extent that you might, within narrow limits, go to the Bank for advances which might be taken up within a week or fortnight of the quarter's revenue? The amount of deficiency bills was the result of the extraordinary demands made for the liquidation of stock. But a more important point than this was, that the right hon. Gentleman and other hon. Members were under the impression that a deficiency of this kind, once created, was not to be restored without the use of some extraordinary measure. Now, he might tell the hon. Member (Mr. T. Baring) what, if he might say so, was the keystone of his system of finance. It was invariably to ask this House to provide an income which would more than meet the expenditure of the year. That, in his opinion, was the keystone of finance, and his secondary doctrine was this—that the question of having a large or a small balance at the Bank was a question open to discussion, but it was a matter of no great moment, provided you kept within narrow bounds, and provided you always adhered to the principle of avoiding a deficiency upon the year's account, of avoiding a fictitious surplus, and of having an income which would always more than cover your expenditure. The right hon. Gentleman the Member for Buckinghamshire had stated that he trusted he (the Chancellor of the Exchequer) would devise some means of escaping from his present situation in respect to the public balances during the recess. Now, the statement which he (the Chancellor of the Exchequer) had made to-night was, with the same exception, what he had stated about the issue of Exchequer bills—it was a retrospective statement. He had admitted that, although he did not consider there would be anything inconvenient or alarming in the present amount of accommodation under ordinary circumstances, yet that, under present circumstances, the case was not exactly the same. He admitted that at such a period as this we ought to have a wider margin at the Bank, that we ought to take what in ordinary phraseology was called more elbow-room, with reference to the provision of means for the public service. Upon that subject it would be absurd to enter into a discussion at the present moment. It might, however, be his duty to take a further view of the demands of the public service for the year, and, if he was unfortunately compelled to do so, then would be the time to state to the House the means by which he proposed to place the Exchequer in what he believed to be a safe and satisfactory condition.

Account *ordered*—

"Of the Income and Expenditure for the year ended the 5th day of April, 1854, together with the Balances in the Exchequer at the commencement and at the termination of the year, and the amount of Funded or Unfunded Debt created or redeemed in the said year."

The House adjourned at Eleven o'clock, till *Thursday*, 27th April.

HOUSE OF LORDS,

Thursday, April 27, 1854.

Minutes.] *Sat First in Parliament.*—The Lord Mostyn, after the death of his Father.
Took the Oaths.—The Lord Bishop of Lincoln.
Public Bill.—1ª Nuisances Removal and Diseases Prevention Act Further Amendment.

THE WAR WITH RUSSIA—
THE ARMY IN TURKEY—THE BLACK SEA FLEETS.

The Earl of ELLENBOROUGH said,

that he rose for the purpose of making a few observations on certain statements which had been made respecting the circumstances under which the troops embarked in the *Golden Fleece* were landed at Gallipoli, and to which he thought it right to draw the attention of his noble Friend (the Duke of Newcastle). It appeared that the *Golden Fleece* arrived at Gallipoli very early in the morning of a Thursday, and that in consequence of there having been no preparation made for the reception of the troops there, they could not be disembarked until the middle of the day on Saturday. It was stated, also, that no previous instructions whatever had been given to our Consul at the Dardanelles to make provision for them; that though two commissaries had been sent a few days previously to Gallipoli to make preparations, that these gentlemen, as might have been expected, were totally ignorant of the Turkish language, that they had no interpreters, no staff, and no person to assist them; but, under the circumstances, he (the Earl of Ellenborough) thought they did better than might have been expected. It appeared, likewise—at least it was so stated—that those troops were ultimately landed, not in man-of-war boats, but in shore boats. Now, it must be perfectly obvious to their Lordships, that, when a thousand men were embarked in a vessel, it was highly desirable that there should be on board that vessel boats sufficient for the purpose of landing at one time a very large proportion of that number; inasmuch as if any danger occurred, the loss of almost the whole of the persons on board might be the consequence of not having those independent means of disembarkation. But when the troops were disembarked, it appeared that they were subjected to other very great difficulties; for it was stated that the sick had not a mattress to lie down upon, and were literally without blankets; that they had no medical comforts, that none were forwarded from Malta, so that when a poor fellow was sinking the other day, the doctor had to go to the general's, and get a bottle of wine from him; that the hospital serjeant was sent out with a sovereign to buy coffee, sugar, and other things of the kind, for the sick, but he could not get them, as no change was to be had in the place. It was further stated that Dr. Alexander had managed to get beds for 200 patients in different houses of the town. Now, if Dr. Alexander had had resort to such houses as alone could probably be found at Gallipoli, he (the Earl of Ellenborough) inferred from this statement that he was not supplied with hospital tents, under which to place the sick; that was to say, with tents efficient for the purpose—such as were used in India, for instance, with awnings, which kept out both sun and rain. If they were only such as were used in England, he should imagine the medical officer would prefer any cover to the cover which these would afford; but there could be no doubt that it was infinitely better for the sick and wounded that they should be placed under good tents than in any such houses as were likely to be found in Gallipoli. The great object in all hospitals was to secure ventilation; and ventilation being utterly impossible in very small houses, even if in their construction they were properly adapted to meet the climate—which, according to all the accounts he had ever seen, the houses in Turkey were not—there could be in such buildings no ventilation whatever. This doctor, therefore, seemed to have been compelled to resort to a number of houses in which to place his sick, because, as he (the Earl of Ellenborough) inferred, he had not the means of covering them with proper tents. These, it must be admitted, were very serious circumstances, and what he desired to know from his noble Friend was, who was responsible for what had occurred?

THE DUKE OF NEWCASTLE: Before I answer the precise question of my noble Friend, I might fairly ask the noble Earl to establish that, as a matter of fact, the circumstances have happened upon which he has based his question:—for, judging from what I know as to the general incorrectness of the statements to which the noble Earl referred, I am disposed to doubt greatly the correctness of the particular statement which the noble Earl has quoted, but as to which I am not at present informed; in fact, having read the article in the newspaper to which the noble Earl referred, I can from my own knowledge state that a large proportion of that article is entirely and utterly incorrect. My noble Friend can hardly require to be informed who is responsible for everything which takes place in connection with this expedition. The Government at home are primarily responsible, and, subordinate to them, those who are intrusted with the performance of the particular duties; the

Commissariat would be responsible for an inadequate supply of provisions, for example, as the medical staff would be for the inadequate supply of medical appliances, or for such neglect as that so incorrectly charged in the statement to which my noble Friend has referred. I cannot, of course, enter off-hand into matters of detail, such as those contained in the quotation referred to; but I have the most entire disbelief that a magnificent ship like the *Golden Fleece* was sent to sea under the direction of the Admiralty, or under the immediate inspection of the excellent officer who is Superintendent at Malta, without a proper supply of boats, and I doubt, therefore, whether the troops were sent on shore in the manner described in consequence of there being none belonging to the ship. I cannot, of course, without inquiry, state positively that this statement is incorrect. I will, however, not fail to make inquiry into the matter. As to the statements respecting the treatment of the sick, and the total want of medical comforts for them, the whole thing is so monstrous that I cannot for a moment believe it to be true. These troops, when they started from England, were amply supplied with every requisite in this respect; and that these requisites should have been left behind them at Malta is so totally improbable and incredible that, without the fullest and most authoritative confirmation of the statement, I cannot believe it. Every regiment sent out was furnished, under the direction of its own medical staff, with an ample supply of medicines and medical comforts, sufficient to last for a considerable time, independent of that general supply of medical stores which was sent out for future service. My noble Friend has referred to a statement as to the occupation of houses at Gallipoli for hospital purposes. There was sent out to Malta a supply of hospital tents, and I therefore cannot but feel confident that there was a sufficient supply of them on board the *Golden Fleece*, and that they were available for every purpose that was required. Moreover, provision was made, under my own especial direction, to meet any emergency that might arise on the arrival of the troops at Gallipoli, and independently of the arrangements made at Gallipoli for hospital accommodation; and as the *Golden Fleece* could not remain there after the debarcation of the troops, I directed that two sailing transports should proceed thither from Malta, for the purpose of being at the service of the troops there, and which might be used as hospitals if there should be insufficient hospital accommodation on shore. My noble Friend smiles at this; but it was a provision against any emergency; and as to the port of Gallipoli, those who know it know that vessels of the size of these sailing transports can anchor there in waters as quiet as a millpond. These accusations against the departments of the military and naval service I am not able to answer except in a general way; but I must express my entire disbelief of the statements, in consequence of the incredibility of such occurrences having taken place after the provision which I know was made to meet every necessity. I will proceed to explain why I place very little credit in these statements from what I know of my own knowledge. It is stated in the article to which the noble Earl has referred, that no notice was given of the arrival of the troops at Gallipoli, and that no preparations had been made for their reception. I do not pretend to quote the exact words used, but I know the inference is drawn that Mr. Calvert, our excellent Consul at the Dardanelles, was ignorant of the arrival of the troops. Now, so far from that being the case, I have seen a Report from Mr. Calvert, drawn up by direction of the Government three or four weeks ago, showing in detail the whole provision that could be made for troops on the Asiatic and European sides from the Castles of the Dardanelles to Gallipoli. The readiness of the Turkish Government to give up such buildings as might be required for the accommodation of troops was also ascertained, and so far from no provision having been made by the Government at home for the reception of the troops, on the very first day on which it was determined to despatch an expedition, Mr. Assistant Commissary-General Smith was sent out to Turkey, and having fixed his head quarters at Constantinople, and made provision there for the reception of the English forces, he proceeded to the Dardanelles, seven or eight days, I think, before the arrival of the troops, and having made his preparations beforehand with the Turkish authorities, he there met Mr. Calvert, and along with that gentleman made all necessary arrangements for the reception of the troops. But this was not all. The Turkish Government, having, in the most zealous manner, entered into the arrangements considered necessary by our Ambassador and Mr. Commissary Smith, formed a commission of Turkish officers for the purpose of communicating with the English and French commissaries; and at least seven or eight days before the arrival of the troops, Mr. Smith, the Commissary, met Mr. Calvert, the Vice-Consul, and the Turkish officers, four in number, and arranged with them the whole details for the reception of the troops. But more. On the 28th of March—the troops not arriving until the 6th of April—Mr. Commissary Smith, in concert with Mr. Calvert, a gentleman of well-known experience and discretion, arranged, and had actually signed, contracts with Turkish individuals, who had been recommended to them as sufficiently trustworthy, for a supply of every requisite for the army. So much for the want of preparation and concert between the authorities. We are told that two commissaries were sent out without communication with Mr. Calvert; but that was not the case. We are further told that these two commissaries were entirely ignorant of the Turkish language, and were unable to do anything. Now, in the first place, two interpreters were attached by the Turkish authorities to the Turkish Commission, and were with that Commission at the time alluded to. Mr. Calvert, as is well known to many noble Lords now present, is himself an excellent Turkish scholar. I believe, however, it is true—although every person in connection with the Commissariat Department has been enjoined as speedily as possible to make himself acquainted with some one language of the country—that the greater part of the staff are ignorant of the language; but there is one person connected with the Commissariat who speaks with most perfect fluency French, Italian, and Greek, and any one acquainted with that part of Turkey in which our troops were landed, and with the sea-coasts of Turkey generally, will be aware that a man who has his wits about him, and who has a knowledge of these languages, is not very likely to be imposed upon; and that, for all purposes of business, the knowledge of those languages is even more essential than a knowledge of the Turkish language. The article to which the noble Earl has referred contrasts the preparations made by the commissaries of the French army with the preparations made by the English commissaries. Now, with all respect for our allies—and the more perfect their arrangements are the more we shall all rejoice—I feel the utmost confidence that our arrangements will stand any test by the side of theirs; and, if any one were to consult the French authorities on this subject, I very greatly doubt whether some of them would not be found to complain of the strong contrast between the preparations of the French officials and our own. I do not speak on this matter merely on the authority of Mr. Commissary Smith. I have seen each successive Report sent home by that gentleman since he has been in Constantinople, and I must say that more able Reports, or more judicious management of the duties devolving upon him, it would be impossible to conceive. But, supposing that these Reports were coloured, and represented exertions which have not been made, and results which have not been accomplished, I should be able to correct those statements by private letters from officers and others on the spot, and I can assure your Lordships that any statements derogating from the performance of his duties by Mr. Smith are baseless and unfair. I know that it is not said expressly in the article to which the noble Earl referred, that Mr. Smith neglected his duties, but, as he was sent out to perform certain duties, the statement that those duties have not been performed is a gross reflection upon him. We are further told that the French, being the first comers at Gallipoli, were of course first served. It would not have been very wonderful, considering that Toulon is rather nearer the Dardanelles than any part of Great Britain, if the French officials had been the first to arrive at Gallipoli; but such was not the case. It so happens that our commissaries, having been in Turkey for several weeks before any French commissary arrived at the Dardanelles, an English commissary from Constantinople met at Gallipoli the French commissary who had proceeded from France, and they concerted together the arrangements for the troops. I may observe that between these subordinate officers—as is the case with the superior officers—the utmost harmony and concord existed. There was no quarrelling nor dispute, but mutual and amicable arrangements were made for the accommodation of the armies. The article referred to contrasts the position assigned to the two armies, ascribing much importance to the fact, that, while the French forces were located in the Turkish quarter of Gallipoli, our troops have been driven to the Greek quarter, which was supposed to be much less advantageous, in consequence of the supposed enmity of the Greek population to us. Now, I have received a letter from Sir George Brown himself, who expresses his extreme satisfaction that it should have so happened that the

Greek quarter has been allotted to the English troops; and I have seen, also, a private letter stating that this circumstance is a great advantage to our men, and adding that if they had to choose their situation afresh they should choose this quarter. So far from there being any feeling against our army on the part of the Greek population, the Greek bishop residing at Gallipoli voluntarily offered his house to the English General, and I have statements from more than one quarter, conveying the assurance that the Greeks of Gallipoli received our officers and soldiers in the most hospitable and friendly manner. One letter says:—"They are poor, indeed, and have nothing to give us. That of course we do not expect; but the kindest reception has been accorded to us all." Having stated to your Lordships many points in these representations which I know to be incorrect, both from personal knowledge and from the receipt of letters upon which I can place the most entire reliance, I must say I think it is unfortunate that a gentleman habituated to the luxuries of a London life, who no doubt misses his club and his glass of wine, and who complains of the impossibility of obtaining butter—I hope most sincerely that the brave officers and soldiers who have gone to Turkey do not imagine that they go there to be fed upon the sweetest of butter and the best of fowls, the absence of those articles of food being urged as a complaint against the place of their reception—it is a pity, I say, that this gentleman, habituated to the luxuries of English life, and not over-well inclined to part with them, should have gone out to Turkey, and, without the opportunity of making more accurate inquiries and of satisfying himself as to all the facts, should write home accounts which, I must say, are not fair towards the persons concerned in the service about which he writes. If that gentleman, or any others, mean to attack the Government, I admit that we are fair game; it is just and right that we should be complained of if anything is wrong; but let him not attack subordinates, for, although the name of Mr. Smith was probably unknown to the gentleman who wrote this article, reflections are made upon his management and upon all that he has done. Now, I must say that this department of the Army ought not to be discouraged by any undue or unfair representations. Our soldiers and sailors go forth to battle in the hope of gaining the rewards of honour and glory. The Commissariat establishment is one in which no such glory is to be gained; yet upon the success of the endeavours of that department depend, to a very great extent, not only the success, but the very existence, of our armies. When men, therefore, devote their time and attention and talents to this pursuit, which, as I said before, brings no honour or distinction to them, I must say it is hard that they should not have full credit for the exertions they make and the successes they attain. I deprecate the production of any papers on this subject at the present moment, because, if we once begin the system of producing such papers, we may embarrass the proceedings of the Army to a considerable extent; but I pledge my honour, that if I could lay upon the table all the reports we have received with reference to the preparations for the reception of our troops in Turkey, your Lordships would be satisfied not only that Mr. Commissary Smith, and the officers under him, have done everything in their power, but that they have been successful to an extent which, looking at the peculiar characteristics of the Turkish people, we had very little reason to expect. I have gone further into this subject than the question put to me by the noble Earl absolutely required, because I wish most earnestly to deprecate these representations, or rather misrepresentations, without the most accurate information. If these statements can be proved, by all means let them be substantiated. I do not wish that any neglect should be concealed or that any malpractices should be slurred over. It is not the intention or the desire of the Government that such should be the case; but I do say that, on the eve of the great operations in which we are engaging, it is only fair to those concerned that persons should not act at first sight and upon first impressions, but that they should be thoroughly satisfied that their impressions are correct before they give currency to statements of this description. Let me remark, in conclusion, that the very admirable lecture given us by the writer of the article to which the noble Earl has alluded, and by others, for sending so large an army to encamp at Gallipoli, might have been spared; for, as your Lordships are by this time aware, no such orders have been given by Her Majesty's Government.

The Earl of ELLENBOROUGH said, it afforded him very great satisfaction to receive from the noble Duke so decided a negative to that part of the statement to which he particularly referred—a negative which it appeared was founded upon facts that were within the noble Duke's own knowledge. He, therefore, thought that the noble Duke was perfectly justified in doubting the other statements that had been made by the same authority. He (the Earl of Ellenborough) had purposely abstained from adverting to all that part of the letter which related to the contrast drawn between the conduct of the French Commissariat and our own. He had also abstained from adverting to the military observations of the writer, to which he attached no importance whatever. But when a gentleman was employed to write letters to the public press, and in those letters had stated, in distinct terms, certain facts, it was almost impossible to doubt the accuracy of such facts. He, therefore, felt that he was fully justified in directing attention to those facts so stated, supposing them to be correct; and, under such circumstances, to ask the noble Duke, who was really responsible for those arrangements. He repeated, that he heard with much satisfaction the reply of the noble Duke, and he must entertain the hope that all the other statements would prove to be as incorrect as those to which he had given so distinct a negative.

The Earl of HARDWICKE hoped that the statement of the noble Duke was quite correct; but he candidly confessed that he entertained some doubts as regards our affairs in the East. He would remind their Lordships that just before Parliament rose for the holidays, it was stated by the noble Earl the Secretary for Foreign Affairs, in reply to a question that had been put to him, that none of the Russian ships had left Sebastopol, and that nothing had taken place in the Black Sea to justify the statement that a Russian force had been enabled to disembark troops, to destroy fortresses, and to carry on operations of an extensive character—that, in fact, such statement was untrue. But it now turned out—as far as he could understand the facts, from the representations made—that that statement was fully confirmed, and that those operations in the Black Sea had really taken place. He was quite sure that the noble Earl (the Earl of Clarendon), at the time he gave a contradiction to the statement, was labouring under some misapprehension as to the informatation which he received, and it was possible that on the present occasion the noble Duke might have been equally misinformed. Although he (the Earl of Hardwicke) was ready to place confidence in the statements of the Government, he, nevertheless, felt that when the noble Earl at the time to which he referred had been so totally deceived and misinformed, the Government may have been also misinformed in respect to the subject introduced by the noble Earl (the Earl of Ellenborough), and that the correspondent of the *Times* might prove to have the best of it.

The Earl of CLARENDON said, he wished to say a few words in reply to what had just fallen from the noble Earl. On the occasion to which his noble Friend alluded, a noble Earl not now present (the Earl of Malmesbury) intimated to him that he intended to put a question respecting an announcement in the newspapers that the Russian fleet had come out in force in the Black Sea, and that large bodies of troops had been carried to the neighbourhoods of Varna, Odessa, and Sebastopol. The noble Earl asked whether that announcement was correct or not, and he (the Earl of Clarendon) gave him, almost *verbatim*, the account which had been received from Admiral Dundas himself; which was, that the report rested on the statement of the captain of a merchant ship, who had been examined by Sir E. Lyons, and that it was clear from the evidence of the man himself that he could not have been in a position to see the Russian fleet. He, therefore, expressed his belief that the report was not true, and he now repeated what he then said. The Russian fleet, to the best of their knowledge at that moment, had not come out of Sebastopol, and did not, at the time when it was reported to have done so, convey troops from one portion of the Black Sea to another. Now, what did occur, and what he had subsequently heard, was this:—Two vessels—a French and an English steamer—were sent to survey the Circassian coast. During their cruise, they saw five small steamers that had been employed in removing the Russian troops from different fortresses along the shore of the Black Sea, which fortresses had been destroyed. He must say, that the fact of the Russians having, of their own accord, and before any declaration of war had been made, evacuated and destroyed those fortresses, which they had for years been building at so much cost and trouble, was some proof that we, and not they, were masters of the Black Sea. The fortresses were observed to be burning, and the steamers—which were not war steamers, but small vessels employed in the Post Office service between Odessa, Sebastopol, and Constantinople—as soon as they saw the English and French ships, made for the shore. A transport was, however, boarded, and was ordered to repair to the nearest Russian port, in pursuance of the instructions issued to the combined fleets in December last. Now, when Admiral Dundas and his officers were accused of not having made prisoners of these troops, it must be remembered that the occurrence took place on the 15th or 16th of March, and that war was not even declared in England until the 29th of March. It was, therefore, impossible for the combined fleets to act otherwise than they did, in obedience to their instructions.

The Earl of ELLENBOROUGH hoped the noble Earl was not under the impression that the Russians had destroyed all their forts. They had, he believed, destroyed only six forts out of twenty-two.

The Marquess of CLANRICARDE said, he trusted there would be no objection on the part of the Government to lay on the table the last despatches which had been received on the subject and any other despatches which might follow. The Russian Government had published their official statement of the transaction, and it differed widely from the statement of the noble Earl. He had not the paper with him, because he had not anticipated any discussion on the subject; the ships were described as part of the royal Russian navy, and not as Post Office packets; and it was stated that they were sent for the important purposes of removing troops and ammunition from those fortresses which they no longer thought it right to occupy, and of carrying away in safety the garrisons of those places for the important object of strengthening the garrison at Sebastopol. A more important operation, as far as it went, could not at that moment have been undertaken by the Russian fleet in the Black Sea. This was distinctly stated in the Russian paper, and it was also asserted that it was done in open defiance of the combined fleets of the allied Powers. His noble Friend had stated that there was no declaration of war at that time. He took leave to contradict his noble Friend, because it appeared from the papers on the table that a declaration had been made, undoubtedly by orders from home, to the Governor of Sebastopol, that the combined fleets of England and France would compel Russian vessels found in the Black Sea to enter the nearest port or attack them. That was a *pro tanto* declaration of war. It was a declaration of hostilities—a declaration between the two fleets, if not between the two countries. Although this occurrence did not reflect discredit upon our flag, yet, so far as the Government and the superior force which dictated the message were concerned, when they were not competent to execute the threat, it certainly was calculated to tarnish our reputation. That was his opinion, and it was for the country to judge whether it was correct or not. On a former occasion the noble Earl at the head of the Government said he did not wish to play "the game of brag." Now what was it but "the game of brag" to defy the Russian fleet to come out into the Black Sea, and then to retire and to appear either not able or not inclined to face the breeze or dare the battle? He threw no discredit on the naval officers commanding there. He knew not the circumstances or orders under which they acted. He had no doubt they were justified in what they had done. But they ought not to have made such a threat unless they were able to execute it. It was nothing but playing "the game of brag," and at "the game of brag" they were beaten. The noble Earl (the Earl of Clarendon) said that the fact of the Russians having destroyed these forts was a pretty significant proof that we, and not they, were the masters of the Black Sea. He had not the least doubt that the combined fleet was master of the Black Sea, and that when the Admirals had clear instructions and knew that war had been declared, they would not be wanting, and the Russians would not dare to come out to meet them; but, according to the official announcement of the Russian Government, to which he must be excused if he gave credit to a certain extent, the effect produced by what took place on the occasion to which he alluded was entirely different from what it was supposed to be by the noble Secretary for Foreign Affairs. Whatever might have been the condition of these fortresses, however wretched they might have been, yet, had they been destroyed by English and French vessels, the effect throughout the whole of that coast upon the tribes inhabiting it would have been of the most favourable character; but the fact of the forts having been voluntarily destroyed by the Russians, and the circumstance that the troops who had formed the garrisons had been embarked on board the Russian fleet and safely conveyed to Sebastopol, were sufficient to show to the inhabitants of that coast that the Russians, and not the French and English, were the masters of the Black Sea and the adjoining coasts. No doubt it might prove of the utmost importance to this country and our allies that the whole of the fortifications upon that portion of the coast should be destroyed, and the very fact of our destroying them, and showing ourselves victorious upon that coast, would have convinced the inhabitants that we were masters, and not the Russians, and the consequence would have been that we should have gained numerous auxiliaries; for they all knew that the inhabitants of that district were animated with hostile feelings towards Russia, and, if they dared, would join with its enemies. But the Russians had executed exactly what they intended; they had had an opportunity of displaying their power in defiance of the assurance given by us that we were masters of the Black Sea. The step they had taken was that which of all others they most desired, and they had accordingly published it, and in that publication had distinctly stated that it was their Navy which was engaged in those operations and which had come out for that purpose after we had defied them to do so; therefore he said that that proceeding was, as far as it went, a triumph for the Russian Navy in that sea, and that we must be considered to have commenced our hostilities there under unfortunate circumstances. There had been reports and allusions made to other matters, such as the bombardment of Odessa; to them he made no allusion, as he did not believe they were accurate; but he must express his opinion that they have a right to expect that, as the Russian Government had published, in an official paper, an account of what had taken place, the British Government would lose no time in informing Parliament and the country what were the occurrences which had really happened, and which he was afraid would be found of no slight importance.

The Earl of CLARENDON said, he had no objection whatever to lay upon the table the despatch to which the noble Marquess had alluded, and then his noble Friend would have an opportunity of judging whether the statements contained in that despatch or in the Russian journal were most entitled to credence.

The Marquess of CLANRICARDE: Does the British despatch contradict the Russian statement?

The Earl of CLARENDON: My noble Friend will see when that despatch is laid upon the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 27, 1854.

Minutes.] New Member Sworn.—For Southampton, Sir Alexander James Edmund Cockburn.

New Writ.—For Flintshire, *v.* the Hon. Edward Lloyd Mostyn, now Baron Mostyn.

Public Bill.—1° Corrupt Practices at Elections.

ASSIMILATION OF COLONIAL DUTIES—QUESTION.

Mr. EWART inquired of the Under Secretary for the Colonies whether any measures were being adopted for assimilating the Customs' duties (or interior duties) in the different colonies of the Australian Continent?

Mr. PEEL was not aware of any steps having been taken to assimilate those duties. Each colony had exclusive jurisdiction in the matter, and there was no power in this country to enforce the assimilation.

RUSSIAN PRIZES TAKEN IN THE BALTIC—QUESTION.

Mr. MILNER GIBSON said, he wished to put a question to the right hon. Baronet the First Lord of the Admiralty. He observed in the newspapers of that day the announcement, dated Paris, Wednesday evening, of an Imperial decree, which allowed Russian ships that left the ports in the Baltic, and put to sea before the 15th instant, to discharge and return to any Russian open port, or neutral harbour, without hindrance; and the English Government, it was said, had come to a similar determination. He wished, therefore, to ask the right hon. Gentleman whether it was true that the English Government had come to that determination, and whether, in that case, it would not be necessary to liberate all those Russian vessels that had been said to be detained —he meant merchant ships—inasmuch as they all must have left the Baltic ports before the day mentioned in this declaration or decree?

Sir JAMES GRAHAM said, that the right hon. Gentleman not having given him notice of his question, he was not prepared to give him an answer that day. He, therefore, begged that the right hon. Gentleman would repeat his question tomorrow.

OXFORD UNIVERSITY BILL.

Order for Committee read.

MR. ROUNDELL PALMER (in the absence of Sir W. Heathcote, whose name stood on the paper for the Motion) said, he would beg to move, "That it be an instruction to the Committee that they have power to make provision therein for the case of Winchester College, in connection with New College." He understood that the Government would not oppose that proposition, and it was, therefore, unnecessary to detain the House with any observations in support of it.

THE CHANCELLOR OF THE EXCHEQUER said, on the part of the Government, that their opinion was that this question, although it was an important one in itself, and connected itself with others of still more importance, would yet be much more conveniently discussed as a whole when the House got into Committee on the Bill, and, therefore, they would not refuse the powers which this Motion would confer upon the Committee.

Motion *agreed to.*

Motion made, and question proposed, "That Mr. Speaker do now leave the Chair."

MR. HEYWOOD rose to move as an Amendment that the Bill be referred to a Select Committee. He did so, because, in his opinion, many of the details of the Bill could not be conveniently discussed in a Committee of the whole House. Many of the recommendations of the Royal Commissioners had been omitted from this Bill, and the governing body were proposed to have an organisation which had anything but the national character which it ought to possess. He could not consent to the preamble of the Bill, which professed to preserve the endowments of the colleges in accordance with the will of the founders. Now, the colleges were for the most part old monastic institutions, and before the Reformation the colleges at Oxford were intended principally for the secular clergy of the Church, and their offices were almost exclusively in the hands of ecclesiastics; but he objected to the continuance of such an ecclesiastical constitution for the University of Oxford in the nineteenth century. He believed the Government to be supported to a very great extent by public opinion in seeking to reform the University of Oxford. The question was not viewed merely in reference to the admission of Dissenters, the constitution of the governing body, and the endowments of the fellowships—the whole system of the University was in a very unsatisfactory state; the heavy debts incurred by the young men who were sent there, and the very slight results which were produced from the education they received, had engaged public attention; and he believed that the whole subject of the studies, and of the appointment to offices, required just as much revision and amendment as the ecclesiastical tests did, before the University could be looked upon as a national institution. In moving that the subject be referred to a Select Committee, he must observe to the House that in the seventeenth century a Committee of both Houses of Parliament sat to conduct an inquiry with regard to the University of Oxford, and that the University had been regulated by the recommendations thus originated. In like manner he (Mr. Heywood) was of opinion that if a Select Committee were now appointed, many details of the present measure which required much careful deliberation, might be investigated with advantage, and a much fairer and better Bill might be introduced in another Session. On the question of admitting Dissenters, the Commissioners had been instructed not to inquire, and consequently there was no provision in the Bill on the subject; but he (Mr. Heywood) thought that the proposition of having a theological professor of the Church of England on the Council of the University was open to great objection; and, at all events, an equal right should be conferred upon the professors of other denominations. He (Mr. Heywood) considered that there should be a separate arrangement for the education of the clergy in Oxford, just as there usually is in other Universities. The general pursuits of literature and science might be carried on; and the young men intended for orders might also receive a special education under their own teachers, in the manner that would be most agreeable to the Church of England. The constitution proposed for the governing body was, in his opinion, very objectionable. At present that body consisted of between 200 and 300 members, and conducted its debates in Latin, so that the little it did—which amounted, in fact, to hardly more than silencing parties who disagreed with it—scarcely became known. He regretted to find that this Bill proposed to perpetuate to a great extent the clerical element in that body. He feared that, supposing this Bill to pass, and the congregation to be composed in the manner proposed, they would have a kind of little Convocation sitting at Oxford, and discussing and deciding theological subjects in a manner agreeable to themselves. The Congregation, too, as proposed by the Bill, would consist of a large majority of the officers of the University. The heads of colleges were necessarily a part of the Congregation; they had the nomination of the college tutors, and they generally nominated clergymen to that office. College tutors, also, were to belong to the Congregation, and thus there would be not less than 200 clergymen in that body. In respect of the tutors a thorough reform of the University system was required. When a person went to college, the first subject which engaged his thoughts was the selection of a private tutor—the college tutors were almost always passed over; and one of his objections to this Bill was, that it made no provision for giving to the private tutors that amount of power to which they were entitled. In truth, the Bill ignored the existence of the private tutors, in whose ranks were to be found some of the first men in the University; and as the examinations had become more severe, the employment of men of talent as private tutors became more and more necessary. In very early times, the University professors were the persons by whom instruction was imparted. Afterwards arose the system of instruction by college lectures and college tutors; and at the beginning of the present century another change took place—namely, the institution of examinations. As these examinations became more and more strict, the necessity for private tutors increased, and these gentlemen, in consequence, now performed a large share in the business of education. At Cambridge, in particular, the college tutors' lectures were usually disregarded after the first year, and the real business was done in the rooms of the private tutors. The hon. Member for Kidderminster (Mr. Lowe) was for a considerable time a private tutor at Oxford, and one of the best there; and he mentioned in his evidence that, although an order had been issued to the undergraduates of Christ Church that they should only read with Christ Church tutors, these young men read with him in another college notwithstanding; and the hon. Member had also recommended that private tutors should be recognised; but there was no proposition in the present measure to recognise them. He (Mr. Heywood) thought that the private tutors should have some object of ambition placed before them in the University to induce them to remain at Oxford, and that they should not be compelled to go off to Australia or elsewhere to improve their fortunes. The best prizes at the Universities were the headships of houses, which were worth from 800*l.* to 2,000*l.* a year; and there were the professorships and the college tutorships; he thought it should be arranged so that private tutors should have some prospect of being elected into these appointments. He thought that no one would dispute the proposition that Oxford, with its high *prestige* and its vast wealth, ought to command the greatest talent in teaching. Was that the fact? Every one knew that the answer must be in the negative, and that the inefficiency of the system of education was continually complained of by the friends of those who were at the University. This was no modern complaint, but dated as far back, at least, as the sixteenth century, when Lord Burleigh, when Secretary of State to Queen Elizabeth, wrote to the Vice Chancellor of Cambridge, stating that "diverse both worshipful and wise parents" had complained of the "loss of their children's time and the greatness of their charges;" on which account he requested the authorities to redress these grievances. The heads then took time to consider, but no practical change had been suggested. In respect to the property possessed by the colleges, much of it was applied to the purchase of church livings. He might instance "Hulme's Charity," in the county with which he was connected. This endowment had been intended for the support of a number of young men who should study divinity at Oxford after having obtained the degree of Bachelor of Arts. This property by process of time very much increased in value, and the trustees were desirous of instituting more exhibitions; but the authorities of Brazenose College, who were consulted, did not recommend the appointment of any new exhibitioners, and, instead, therefore, of applying the funds to exhibitions, the trustees obtained an Act of Parliament and bought church livings. No doubt this was a perfectly legal proceeding, but it was at the same time a very injudicious one. The Commissioners had recommended Parliament to make any similar appropriation illegal, but they did not recommend that the money belonging to the colleges should hereafter be devoted wholly to purposes of education. It was his intention, therefore, to move, by way of instruction to the Committee, that a clause be inserted in the Bill for that purpose. The Government had very properly proposed to do away with the restrictions with regard to birth in different counties and dioceses; but there were some grave subjects which they had left entirely untouched—he meant, compulsory ordination and the enforced celibacy of the fellows. He believed, on the whole, that the country would support the House in a very much larger measure than that which the Government now proposed, and that it required that these University institutions should no longer remain in a monastic state. In regard to compulsory ordination, the rule in the majority of cases is, that every person becoming a fellow must enter holy orders. That was the system at Oxford. It was different at Cambridge. The fellows of King's College, Cambridge, were allowed to take orders or not, as they pleased. Many of the fellows refused to take holy orders, assigning as a reason that since the Reformation the form of taking holy orders had very much changed; that the candidates for holy orders are now required to affirm that they trust that they are inwardly moved by the Holy Ghost to take orders in the Church of England, whereas the real reason which induced them to do so was that they might retain their fellowships. He did not see that the Church gained much by compulsory ordinations, and considered that it would be much better served by persons who entered voluntarily into it, and assuredly, if a person had not an inclination for the duties of a parish priest, he had much better enter into some other profession. He was supported in these views by the Commissioners, who stated that the going into holy orders should be left perfectly optional. Another point to which he wished to allude was that of celibacy, which was required on the part of persons holding fellowships. That was an old monkish custom. It was quite right, no doubt, that there should be a succession to the fellowships; but that ought to be provided for in some other way, and not by making marriage the means of depriving a fellow of his appointment. He should also call attention to the fact, that supposing a clever engineer should go to Oxford, he would be only allowed to hold a fellowship for one year, which was as much as to say that the University of Oxford was to patronise those sciences that were in vogue 300 years ago, and that all modern improvements should be ignored, so far as regarded any continuous possession of the endowment. Government had proposed that a certain number of the fellowships should be held for eight years. He considered that the question with respect to those fellowships required a great deal of consideration; and he should be glad if some plan could be devised whereby the fellowships might terminate at a moderate period in such a way as would allow the persons holding them to be married or single, or to go into holy orders or not, according to their own wishes. In making these remarks, he did not mean at all to depreciate the University itself. He looked to it with respect, on account of its antiquity, and as the place where Wycliffe had been allowed to preach the doctrines of the Reformation. He believed there was more liberty at Oxford at that time than there was now, and he wished that they should now enjoy similar liberty with a constitution adapted to the present day. He did, however, most deeply regret that so large a portion of the community should be excluded from its walls by reason of the restraints that were imposed by subscription tests. It was manifestly unjust, and he believed that it was at the same time most injurious to the University itself. It deprived the University of many men eminent for learning, science, and literature, and compelled it to accept of persons of inferior attainments and talent for the highest offices—sometimes of men of secluded habits and narrow prejudices. If they took the persons who governed the University—if they took the highest class, the heads of houses, they would find that they had an inferior class of men, in consequence of maintaining these tests; but if the nation were allowed to compete for those offices in an open and free manner, they would have a superior class of men to fill them. A man might be unable to take holy orders because he could not sign the different tests, a man might be unable to take a master's degree because he could not sign similar tests, and such persons, however well qualified, could not be elected into the station of heads of houses, the consequence being that clever men were compelled to seek other situations in other parts of the country. The parties who elected the heads of houses should have the whole country to choose from. According to the custom in German Universities, when a vacancy in a professorship occurred, any person who spoke the German language was eligible to be chosen, and they chose the best they could get, and the consequence was that the professors thus selected soon attracted additional students to the University. There was a difficulty in going on with the Bill, because, as he understood, Government wished this to be a permanent and final measure; and if they carried this as a permanent measure, how was it possible to introduce hereafter those fair and open modes of electing college officers, when Parliament had already settled the mode of election? It was very much on this ground that he was desirous that the Bill should be referred to a Select Committee. He believed there were many Members well acquainted with the subject to whom the Bill could be referred, and who felt that the University ought to be maintained in a state of the highest possible perfection, and that every improvement should be introduced into it that would make it worthy of being regarded as a great national institution. The hon. Member concluded by moving as an Amendment, that the Bill be committed to a Select Committee.

Mr. MIALL seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Mr. NEWDEGATE said, it was not very probable he should agree in much that had been said by the hon. Member for North Lancashire (Mr. Heywood), yet he should vote for his Amendment, though on very different grounds from those stated by that hon. Member. He voted for the Amendment because he believed a great number of hon. Members did not really know or understand the constitution of the University of Oxford, what means of self reform it possessed, and what were the privileges of which it was about to be deprived. It was quite a mistake to assume that the heads of the University were opposing themselves to all reform, when the fact was, that the Government had been obliged to make great haste in order to anticipate and intercept their proposals for renovating the organisation of the University. He was surprised to find the right hon. Gentleman the Chancellor of the Exchequer combining with the noble Lord the Member for the City of London (Lord J. Russell) in an attack on the University of Oxford, which he represented. The measure before the House proposed to deal with an ancient corporation against its will, and Parliament was asked to interpose its authority to intercept the power of self-government which it possessed. The University was a corporation consisting of clergymen, lawyers, and others filling the highest stations in society throughout the country; yet the measure before the House virtually proposed to disfranchise that great body in all that related to its corporate government. For it was now proposed that another body should be constituted, who were to have the power to decide what subjects, or whether any, should be submitted to Convocation—the legitimate legislature of the University—for adoption or rejection; so that, in fact, the University would be utterly powerless to deliberate, unless it pleased the Congregation, this new creature of the Bill, to allow the University, assembled in Convocation, to consider questions that might affect it materially. He therefore begged the House to mark the consequence of such a proceeding—that one of the most enlightened, most ancient, and purest constituencies of the country would be debarred from considering any questions but those which a body of nominees, created by this Bill, should think fit to permit. He begged the House to pause before they consented virtually to disfranchise so ancient, so intellectual, so time-honoured a corporation, and debar them from the consideration of measures for their internal improvement, as well as measures of political importance, and he entreated them, therefore, to refer the Bill to a Select Committee. He was surprised to find the right hon. Gentleman the Chancellor of the Exchequer, who represented the University, asking the House to exercise their authority so as to interpose a bar, a hindrance, or obstacle to the free action and deliberation of the University body. He confessed his surprise that the right hon. Gentleman should so far forget that something more was due from the representative of the University than from other Members, that he ought to be, at all events, the lenient and enlightened judge, if not the advocate of those whose rights and privileges he was especially, by common understanding, bound to defend. He was astonished, therefore, to find the name of the right hon. Gentleman on the back of a Bill which, as far as he could understand it, crippled the action of the University by the interposition of another authority. He did not wish to detain the House, otherwise he might go at length into the various details of the Bill, and criticise the machinery by which its objects were to be effected. He would, however, at present content himself with reading the protest that had been signed by hundreds of men of the highest talent and information, all enfranchised members of, and many of them still more closely connected with the University, who had declared the Bill to be subversive of the independence and corporate action of the University, and to be destructive of the purposes of the founders. They declared the Bill before the House,—

> "1. To be subversive of the independence and legitimate corporate action of the University, and also of the discipline secured by the collegiate system; and to be regardless of the solemn obligations of the visitors, the heads, and the fellows of the colleges.
>
> "2. To be destructive of the original purposes of the foundations, by discouraging the valuable class for whom they were intended—poor, well-conditioned, and ingenuous students; making intellectual attainments the almost exclusive standard; affecting unduly the connection of Colleges with great schools for the encouragement of well-deserving youth in particular localities; restraining the period of the benefits proposed by the founders; diverting their bequests in part, to purposes altogether alien from their intentions; and, finally, making the fellowships intellectual prizes, rather than endowments for men fitted to serve God in Church and State.
>
> "3. To be suggestive of a new principle of dealing, not only with all trust property, but with all other property in the kingdom by Act of Parliament."

Now he thought that the substance of this declaration alone ought to induce the House of Commons to pause, and to decide upon sending the measure before a Select Committee composed of the ablest men of their body. He should, therefore, vote, as he had previously stated, for the Amendment of the hon. Member for North Lancashire, on the ground that that House ought not to proceed with a measure which was to cripple the action of and disfranchise an ancient corporation closely connected with the Church of England without a previous examination of its past history and adequate information of the probable consequences of the proposed change.

MR. EWART said, that as a member of the University of Oxford, he greatly rejoiced that this Bill had been introduced. He had read the Report of the Oxford University Commissioners with great approbation, and most heartily did he concur in the reforms which they suggested. The hon. Gentleman who had just sat down had spoken of privileges of the University. Now, the word privilege was very suspicious — it implied something which, most likely, should be abolished, because a private law was restricted to particular persons, and denied to the general community. He thought this Bill should go further. But, as it was, it would unfetter and extend the system of education pursued at the University. The instruction now given was still somewhat like that alluded to by Chaucer:—

> "A clerke there was of Oxenforde also,
> Who unto Logic hathe long ygo,
> And Aristotle and his philosophie;"

and in these times, as in those, it produced subtle refinements of thought, and cramped the intellect. Such was the opinion of many eminent persons. It was especially that of the Professor of Moral Philosophy (Mr. Wilson), as expressed in his written evidence. But the present system was not only intellectually wrong, it was morally so. Artificial distinctions were encouraged. They engendered false feelings. The nobleman wore a different dress from the gentleman commoner; the gentleman commoner from the commoner; all from the poor eleemosynary servitor. So there were distinctions of place in hall and chapel, and of food. The present system, therefore, encouraged pride in the highest degree, and was quite contrary to the spirit of humility which Christianity taught us. Whilst a student at Oxford, he had been grieved to see the poor students, known by the name of servitors, compelled to bring in the dishes for the richer students, simply because they were poor, and the others were of higher rank or greater wealth. Those distinctions, he hoped, would be abolished by the measure before the House. The Bill, he regretted to say, was defective, in not making provision for the admission of Dissenters. While the nation was entirely Roman Catholic, the University, being Catholic, was a national institution. When it became Protestant, at the Reformation, its national character, enlarging itself with the changes of opinions, ought still to have been retained. To exclude the Dissenters from the Universities was to ignore the existing state of society. It was laid down in the Report of the Commission, that the Universities were national institutions; but they could not be so unless they adapted themselves to the changes which the nation underwent. The system of education and of discipline pursued in them ought to run parallel with, and not counter to, the feelings of the age. He thought that the Bill proposed to give too great a preponderance to the clerical character in the University. Such a preponderance was in opposition to the recommendation of the Commissioners. There was also a proposition to permit the erection of private halls. He thought that the provision should go further, and that students might be permitted to reside in lodgings, subject to the superintendence and inspection of the University. This was the ancient system at our Universities. It was still retained in foreign Universities. It was the only system by which the Universities of England could be really opened to the poorer class of students. So thought the Commissioners, and so they expressed themselves in their Report. That system was still pursued in the Scotch Universities. In Scotland a poor student might go to the Universities and lodge and board himself wherever he pleased, and at a cost quite incredible to an Englishman. But so aristocratic are our English Universities that it would be quite impossible for a poor student to pursue a similarly inexpensive course at the Universities of Oxford or Cambridge. The sons of labourers in Scotland, if they could succeed in obtaining a certain sum by the contributions of their friends, or by their own labour at the plough and at the harvest, would go to a University and support themselves during the whole time of their studies on a few shillings a week. He knew the sons of hedgers and of working masons who were thus educated. When travelling in Scotland, about a year ago, he was driven by a postilion who informed him that it was his habit to go to Glasgow University for one-half of the year. He carried a copy of *Virgil* in his pocket, and quoted several passages from that poet. This young man had made progress in the mathematics; he had profitably attended the lectures on geology, and had thence become perfectly familiar with the geological features of his own country. With the money he earned during the summer by driving tourists he supported himself at the University of Glasgow during six months of the year. Similar instances were referred to by the Commissioners in their Report. Why should not the poor English student enjoy similar rights with the poor student of Scotland? Until this liberty of lodging in the town existed, free trade could not be said to prevail in education. Although somewhat alarmed at the support the Amendment would receive from certain quarters, he was disposed to vote for it. He confessed he distrusted the proferred alliance of the hon. Member for Warwickshire and his confederates. He feared the *Danai*, even when "offering gifts." Still, the Amendment would open the question of admitting the Dissenters, and on that account he was inclined to support it, if his hon. Friend (Mr. Heywood) persisted in proposing it.

MR. HORSMAN: * Sir, I feel considerable difficulty as to the vote I ought to give on the Amendment proposed by the Member for North Lancashire. On the one hand, I feel, in common with all who wish for an improvement in our Universities, under great obligations to the Government for having undertaken to legislate on this important subject. I think they have undertaken that task at the right time and in a right spirit, showing so much consideration for the feelings of University authorities that, until I heard some of the speeches on the other side of the House, I thought it impossible that any one could suspect them of approaching the Universities in any but a friendly and reverential spirit. And their measure has been preceded by the inquiries and Report of a body of Commissioners who have discharged their duty with a zeal and judgment and ability that have rarely been surpassed. On the other hand, I cannot but agree with the Member for North Warwickshire and my hon. Friend who has moved this Amendment, on the only point in which they agree with one another—that this Bill has been very imperfectly discussed—that it is very imperfectly understood; and the most material Amendments which I should wish to see considered are such as are more likely to be adopted by a Committee upstairs than in the more hurried procedure of a Committee such as we are invited now to enter on. I am reluctant to go into Committee on the Bill as one of mere clauses and details, and involving no higher considerations than whether a particular school shall continue to benefit by a particular charity, or fellows of a college shall enjoy their fellowships for five years or eight. We are debating the question, not of a small cluster of colleges, but of one great national University; and it involves considerations, affecting the intellectual and moral and religious condition of the nation, of so large a character, that in importance and interest it ranks second to none that can engage the attention of Parliament.

And I approach it with the more anxiety, because I cannot but feel that this period is a somewhat critical one for the Universities. It cannot be denied that the general education of the country has, to a great extent, of late years been escaping out of their hands. A feeling of indifferentism to the Universities, more especially among those who are not of the aristocratic class, an inclination to let them go out of the national sight, has taken the place of that affectionate regard with which they were wont to be associated. And we are living in an age when their diminished influence is peculiarly to be regretted. We are living in an age when the philosophy of cheap knowledge is making great strides, an age of knowledge rather than of faith, of which the tendency is to seek materials for cultivating the intellect rather than the heart; an age less of thought than action, more of movement than reflection. And the time may be approaching when the practical results of our past neglect of our Universities, in permitting the abdication of their highest and noblest functions, may visit us with a fatal penalty, when we find ourselves, in the rapidly advancing intelligence of those around us, under the dominion of a knowledge which is not learning, and an education which does not give wisdom.

We have most of us been reared in the belief, historically derived, that it is the function of national Universities to lead the national mind both in learning and in religion; that the Universities, in fact, should be to the nation what the heart is to the body—the seat of moral and intellectual and religious life, and in proportion as the source is healthy, so will all the streams of national vitality or renovation circulating from it be pure and vigorous and progressive. It is with these feelings that I approach this measure. That some reform is necessary is now generally admitted, and even by the Universities themselves; the only dispute is, from whence and how far it shall proceed. The demand for reform proceeds mainly and most prominently from three parties.

1. Dissenters asking for admission.

2. Men of science dissatisfied with the extent of the University curriculum.

3. From resident members of the Universities, chiefly working men, of the highest attainment, brightest promise, and deepest devotion and attachment to the Universities, in which, however, they see and feel defects which this Bill is brought in professedly to remedy.

I pass over the much-agitated topic of University expense and misapplication of college funds, not as by any means of small, but at present of subordinate importance.

Now with respect to the first of these reforms, the admission of Dissenters. I deplore, as much as my hon. Friend who moves this Amendment can do, the shortcomings of the Bill in this respect. I think the continued exclusion of Dissenters from the Universities is even more injurious to the Universities than unjust to the Dissenters; but as we shall have an opportunity of discussing that question more fully and appropriately on the clause of which notice has already been given, I shall not at present say another word upon it.

With regard to the second, the complaints of scientific men as to the narrow range of studies, it must be admitted that the Universities have themselves shown some disposition to remedy that defect; and it falls clearly within their power: and I own I do not attach so much importance to this reform as some of my Friends are disposed to do. I do not hold it to be the function of an University to give a smattering of universal knowledge. In the estimation of all the best thinkers, education has for its end, not so much the imparting of profound and accurate knowledge, as the sharpening of the tools, the teaching the mind how to use its powers, the showing how to pursue knowledge, rather than any very great or universal progress in it: and while I do not deny that a wider range of study, a more extended system, might in some respects be desirable, yet I do think that the substitution of accurate attainments in chemistry, geology, botany, aye, or even modern languages or modern history, for a deep study of the ancient languages and literature, would be a great calamity for English education.

But I come to the third class of reformers, men of the highest education, connected with the Universities, ardently attached to them, and deploring deeply that they do not, either in their uses at home or their reputation abroad, maintain that high place to which, from their eminent advantages, they might be held entitled. It is to the representations and remonstrances of this class of reformers, as of most national importance, that I am anxious to direct the attention of the House; they are deserving of all consideration and all sympathy.

I will test the justice of their complaints by the simplest of all processes, an appeal to facts, to facts which are patent to all, and especially familiar to those of us who have been at the Universities. Let us join company with an University man, and become part of his college life from the moment he enters as a freshman to his gaining the highest post the University has to offer; and let us see what the system is, and its results, not merely what they are, but what they must be.

Let us consider separately the two classes of undergraduates, the one reading for honours, the other taking a poll degree; and I will begin with the non-reading undergraduate. He is admitted at eighteen or nineteen, practically without an examination or any literary qualification. At the end of the first year he passes his little-go examination, which any fifth-form boy from a public school could pass at his admission. At the end of the third year he passes the great examination for his degree; any sixth-form boy should pass it without trouble in his first year. With the great majority of those who take poll degrees, all the reading is done in the last year, not unfrequently in the last term. The two previous years are spent in idleness; and, as far as literary acquirements go, they are two years lost. After three years' residence, the passman obtains his degree by going through an examination which involves a very inferior amount of attainment, and totally inadequate as the result of expensive education up to twenty-two.

But now I take the other, the candidate for honours, the first-class man or wrangler. His, it must be admitted, is a very different case. After a course of most severe study, he signalises himself among numerous and powerful competitors, and obtains a distinction which in after life hardly ever leaves him. The examination he has passed is of a high order. His education is unquestionably a superior one; not that his literary or scientific attainments are by any means complete; far from it. He is not made a philosopher, or a divine, or an historian, or even a great scholar; but he is prepared to become one or more of these. He has dived to a considerable depth in all these departments for his years; he has felt his strength; he has proved his powers; his mind is greatly enlarged and cultivated; he has views opened into all the most important departments of human knowledge; and, taking him all in all, his expansion of intellect—his development of character—his knowledge of books and men—his self-reliance and his energy—he presents at twenty-three a higher moral and intellectual combination than any other nation can produce anything to approach at the same age.

A magnificent promise! and now let us see the fruits.

On issuing from the Senate House, two paths are before him; the one conducts to the world, and the active enterprise of life; the other retains him by a fellowship at the University with permanent residence. I deal only with the latter. He becomes a college fellow; and he enters on his fellowship by again subscribing a multitude of oaths which he is not expected to regard, but of which Dr. Peacock gives this description; he says, speaking generally of University oaths, that

> "They are so minute and absolute in the conditions of obedience which they impose—so pregnant with dangerous responsibilities to those who take them, that it is impossible even to read them without feelings of awe and apprehension."

Having achieved these oaths, which the fellows of his college, ecclesiastics as they are, would many of them be surprised if he looked on as more than a mere formality, the next ordeal he has to face is the condition by which he retains his fellowship. He must go into holy orders; he must bow to that unwise and irrational compulsion by which many who are unfit for the Church are brought to minister at the altar, and many who would be ornaments to literature are driven from the University. He takes orders, becomes a private tutor, shortly afterwards college tutor; and then the process of deterioration rapidly sets in.

As private or college tutor, he is called on simply to retain the knowledge he previously acquired. If he be a superior man, he will improve himself within the limits of the subject he is teaching. But he is not called on to do so; nay, it would be a positive disadvantage to him, as private or public tutor, to go on widening his knowledge, so as to become a complete master in any of the sciences he has studied; for knowledge, beyond what is required to train his pupils for a first class, is an useless encumbrance — to press it on him would be to oppress a student already overloaded with work.

Hence, as a general rule, the college tutor does not become a student in any department of knowledge; and as the senior members of the University are mostly men like him, the best of them only advanced at twenty-three, but with no motive to advance afterwards, the University remains without really learned men, except the few who cultivate learning as a matter of personal taste, uncalled for and unconnected with the requirements of the University.

Further, as a fellow, he is not allowed to marry. He therefore looks on his tutorship as a temporary post, he does not devote himself to the University or to literature as a profession.

But neither is he preparing himself by his tutorship to adorn any other post. After fifteen or twenty years of tuition, he is not a learned and probably not an active man. The goal of his expectations is a college living, for which his previous habits have very much unfitted him (and the system of college livings, I may remark in passing, is a great evil), or he may look to some other ecclesiastical preferment or headship. But these are all prizes neither to be won nor retained by further intellectual exertions on his part; he is not called on to furnish learning or knowledge when he has reached them. Hence he has no motive, and is at no pains to acquire it; and the result is, that the University is left, as I have already said, without first-rate scholars, or historians, or divines.

But we are taking a very favourable view of the system if we assume that all college tutors are necessarily men of talent, or owe their fellowships to their learning. That is, as regards Oxford at least, very rarely the case; there, most fellowships are close; the qualification is one of accident rather than capacity, the being born in a particular town or county, educated at a particular school, called by a particular name, and such capricious qualifications, ensure the fellowship; and the standard of tutorial attainment is of course proportionally much reduced.

Such being the system, and a very unattractive one to men of genius, we cannot wonder that a large proportion of those who, on issuing from the Senate House, have all the future prizes of the University at their feet, turn their backs upon it as soon as their academical course is run. They will not throw away the abilities they had from nature, nor the promise of their brilliant degree — they dread the cheerless, spiritless, aimless vegetation of a college life—they recoil in horror from the worn-out tutor, hardly past middle age, turning to descend the vale of life with no higher object of ambition or of hope than a college living, on which he feasts his vision as a distant Paradise with perhaps a venerable Eve waiting for him in the garden.

But these men, nevertheless, forced though they are to turn their steps elsewhere, retain all their love and veneration for their literary parent. Their warmest aspirations are connected with it. They are profoundly imbued with all that is peculiar and great and noble in our English University. Their longings are to devote their whole lives to it if it would but open to them a sphere; and it is the want of that sphere—the discouragement which it presents to self-cultivation and progress among those who should sustain its intellectual life—that they feelingly and painfully deplore.

"Oh! but," I hear some Gentlemen say, "you have forgotten the professors—those eminent men, whose reputation and attainments it is impossible to dispute." No, Sir, I have not forgotten, and I am not disposed to depreciate the claims of those eminent men. That they are most learned and most eminent cannot be doubted; but, unfortunately, they are no part of the University system. They are altogether on the outside, and shut out from it. Many of those professors do not lecture at all; and those that do can hardly be said to have a class, the number of students attending the lectures of the most eminent, being, from the Reports on our table, in some instances four or six or ten. The truth is, if these professors were altogether removed from Oxford, they would not be missed. Why? because they are not incorporated with the system. The Universities are occupied solely about getting honours, and degrees, and fellowships. For all these great, and almost sole, objects of the University, the professors are left out; their connection with the academical system is not even nominal. Every one knows how subjects are got up on which a first class depends; the value of that in the great market of England is well understood. The professor's learning is not in demand—not because intrinsically it is not of the highest value, but because there is no sale for it at Oxford. A man cannot buy his first class with it; it is only an incubus on his time and energy, which are wholly wanted for the struggle in the Senate House. And this is no theory of mine. I am but echoing the words of those very professors. No one has painted the evil more forcibly than the professors themselves, the most eminent of whom have proclaimed, what cannot be disputed, that they would find better audiences in any town in England than among the students of Oxford or Cambridge.

Here then are two classes of men—the young tutor and the mature professor—the one that ought to be the hope, the other the pride, of the Universities—extinguished under your system. The first is placed in a position the most cruel of all for a man of genius and energy and love of literature—he is practically forbidden to improve himself; and taught to look at the University, not as his field of labour or as his home, but as a lazy resting-place to another and obscurer stage. The grievance to the individual is considerable; but the evil to the country far greater. First, it practically lowers the qualities of the leaders of education; next, it prevents any of the great subjects, classics, history, divinity, philosophy, being studied as a whole. Men and tutors think only of what is wanted in the schools. Everything beyond, as I have already said, is a mischievous encumbrance, because endangering the grand desideratum—not knowledge, but a first class.

The professor, on the other hand, having devoted a life to science—having achieved an European reputation—finds himself set down at the most splendid literary establishments in the world—surrounded by aspiring intellects and the noblest hearts. But the wants of the place pay no reverence to his genius. Without an audience, without a sphere, without even standing room in the academic circle—his functions, his uses, render him subordinate to the smallest functionary of the smallest college whose relation to the founder may have raised him to a fellowship. And what is the result? Why, if our Universities neither rear great men nor reward them, they must soon find themselves without them; and is not that notoriously the case now? I do not say that there are not able men, and very able men, to be found at the Universities; there must be some men of genius, no doubt, whom a system cannot extinguish, as it cannot create. But such are fortunate exceptions—the atmosphere of the place is not favourable to their growth; and they are too few to redeem its character. For it cannot be denied that, among the Universities of Europe, we hold a low place—we are found wanting in great men and great works—with no independent and self-supporting literature; and for the study of our schools, we are constantly and increasingly importing from continental Universities the authorities and commentators we cannot produce ourselves.

And here I cannot but notice a cry which is set up against all who are desirous of reform, that the tendency and the results of all such proposals must be to Germanise the Universities. But if Germanising the Universities means introducing German works and German systems, the process of Germanising is going on even now to a great and deplorable extent. I say deplorable, because, though we might be content to leave to foreign competitors an undisputed ascendancy in the pursuits which constitute their system, it is deplorable that they should excel us in the studies which we call our own. A German student gives more time to the sciences than we do. Philosophy, divinity, history, engross much of the years which the English youth devotes to Greek and Latin. This almost exclusive attention on our part to the ancient languages may, according to men's notions, be bad or good; but in one thing we shall all agree, that at least it should produce great scholars and great works. But is it so? Where are they? do the Universities contain them? Why, the Germans not only monopolise the field which we neglect, but they excel us in that to which we are exclusively confined. All the most approved editions of classic writers which have been produced in modern times are German; all the great commentators are German; it is a fact, that all our best and working editions of Greek and Latin books are German; German text and German notes form the manuals of our Universities. It is the same with ancient philosophy, and not a little modern. In Roman history, Niebuhr's work is not only the best, but it is a fountain—a well-head—a most instructive example of profound and original inquiry, which makes it an object of incessant study. We are compelled to follow the Germans as our masters in every branch of philology. Formerly it was not so—Bentley and Porson were more than equals of any other scholars in Europe. But now, Greek and Latin poetry, antiquities, orators, philosophers, historians—all are in the hands of Germans. We have no original, independent, coequal scholar of our own. If one does suddenly start up with an attempt to rescue us from our obscurity, by a work of such rare power as that by which Mr. Grote has lately imparted a fresh interest to Grecian history, it only increases our marvel that, for a scholar of such classical acquirement and deep philosophical research, the University, his appropriate sphere, should afford no attraction and no home.

So much for classics, the branch of English education most attended to; and in that branch of study, as far as imitation and subjection can accomplish it, we are already, under the present weak system, becoming Germanised: another system may make us less German, it cannot make us more so. But I approach now, and with a concern that is deepened by its importance, another subject, in which the deficiency is yet more apparent, and the mischief far more serious. Again, I only refer to this topic in reply to the charge of Germanising the Universities.

Our Universities are great theological seminaries—the nursing places of religion —originally endowed in connection with the Church—holding the key of admission to its ministry—and claiming, as their ancient and exclusive prerogative, the theological training of the nation. Now what theological teaching do they impart? This is a point far too serious, and a fact much too incredible, for me to state it on my own authority; but let me give you the evidence of the highest authorities in each University. And it is not with theology as it is with classics or mathematics, that one or other of the Universities makes it a prominent study: theology is common to both, and each claims an equal share in supplying the national want. And how do they supply it?

> "Among all the branches of learning cultivated at the Universities," says Dr. Thirlwall, now Bishop of St. David's, "there is none that occupies a smaller share of our time and attention."
>
> "It happens," says Dr. Peacock, "that their academical life is concluded before their theological studies have begun; and they present themselves to the bishop at a later period as candidates for holy orders, without any academical or other testimonial of theological proficiency beyond a certificate of attendance upon the lectures of the Norrisian Professor of Divinity."

That is Cambridge; and now hear what Dr. Pusey, Regius Professor, says of Oxford:—

> "One fortnight comprises the beginning and the end of all the public instruction which any candidate for holy orders is required to attend previous to entering his profession."

One fortnight! "Previous to entering his profession;" but need he know more after entering it? Not at all. For the service of the Church, the most solemn which human responsibility can undertake, differs from every other service in that respect—that a man may enter upon its duties without any of that preparation and ascertained fitness for them which in every other business or calling in life, from the highest to the lowest, is an indispensable condition of his employment. In law, in medicine, in politics, a man cannot hold a front place without a considerable proficiency in knowledge; but in the Church (in which the exception is the more strange since you compel men to enter it, and our Universities are founded expressly to fit men for it), we take so little thought of a noviciate's fitness, set so little store by it, that a man may mount to the highest eminence through the successive dignities of doctor and dean and bishop, even to the primacy of all England, without even a smattering of theology beyond what is possessed by every Gentleman in this House who has taken a common University degree.

But this is not the worst. We have no theological teaching at our Universities; but is much theological learning found there? Why, our weakness in this respect is even more apparent and deplorable than it is in the classics. It is not that among theologians at large that we are esteemed—we are not even thought of. Even the Americans, in this respect, stand before us; and the works which have been lately published by some of their professors have been noticed and discussed by foreign commentators with a respect never shown to us. The Germans have brought a very superior philology and scholarship to bear on the Bible: we have nothing, actually nothing, readable in that line. Mr. Alford, a late Fellow of Trinity, published not long ago a work of great merit, and evidently destined to a great circulation. It was quoted to me in refutation of what I am now saying—but when it was sent for and referred to, it proved to be my strongest witness—for Mr. Alford had set forth in his preface a list of the many books and authorities referred to in his work, either to praise or refute—and there was not one profound modern work which was not German.

The reason is, that the Germans are the only students who have applied the present knowledge of the original tongues to the interpretation of Scripture, and our students have no other resource but to appeal to them as authorities. This cannot be denied by any one who has taken an interest in the subject; and I repeat, in answer to the cry that we are about to Germanise the Universities, that here again the apprehension has come too late. For in theology, even more than in classics (and to our shame be it spoken), every modern work of any authority at the Universities is German. We have no modern theology whatever; we have failed to establish any connection between theology and the general development of learning. Some prominent men, like Dr. Pusey, refer us to the interpretations of the early Fathers—others, again, cite Calvin and Luther; but none can refer us to any commentator of this century who is not German. But of Germans it would be easy for me to mention the names of a whole catalogue of authors—all men of deep and original research, of most extensive scholarship and great ability, to whose works our students not only must be, but are, referred more and more by English divines of every party. So, again, we are familiar with the names of Germans who reign paramount in Hebrew. And practically there is no exception to all this; and the fact is more remarkable, because we might have expected that, if our Universities could produce learned theologians to defend us from this dreaded inroad of Germanism, some effort might have grown out of that religious move which has of late years acquired notoriety at Oxford—the author of that move filling a high theological post, and declaiming beyond other men against the danger to be apprehended from the introduction of German systems. And yet this party, so led—full, as we know, of zeal and activity, and combining erudition with devotion—has not succeeded in producing any great work that can be appealed to as an authority, even in England, and much less in Europe.

Now all this is a very delicate, and, for obvious reasons, not a very agreeable topic to dilate on; and I should not have ventured on it if the danger of Germanising our Universities had not been made so much of. But if there be such a danger, it is obvious that it can only be averted by a change of system; for if they who have got up the cry be consistent and sincere—if German writers and systems introduced among us are so certain to destroy us—they must feel that we are even now standing over a volcano. For it is notorious that all these German writers, now so much studied at the Universities, differ in an enormous degree from the common view of Christianity in this country. Not one of them, except, perhaps, Hengstenberg, looks upon Scripture as inspired in the old sense as received in England. Many of them impute all sorts of mistakes to the sacred writers — most reject not a few books of the canon as spurious, and of no scriptural authority; yet, with all these terrible drawbacks, they are translated and getting into increased circulation in this country. And, as editors and commentators of these ancient books in dead languages, their superiority is so transcendant, that we have absolutely no writings to dilute them with, except of three centuries ago; yet these cannot suffice, because our knowledge of Greek and Hebrew and Biblical antiquities is immensely increased since then. To give one example—Ewald, the first living Hebrew scholar, has published a very able and very elaborate history of the Jews, and is unquestionably the first commentator on the Psalms; yet he never once speaks of any real revelation throughout the whole Jewish history — presumes that no one dreams of there having been a revelation from God to any person of the Old Testament—treats the story of the three patriarchs and the twelve sons of Jacob as pure poetry; while nothing can be more full of knowledge and fire and talent than his history of the Judges. And this is what English students must read without any antidote, except old views which are being gradually undermined.

Now, I say this is all a case of infinite moment to the English nation—that our University system should prevent the development of so all-important a matter as Biblical interpretation; and it is a hard case on English parents, that you should first affright them with terrific descriptions of German literature and dogmas, and then, when they send their sons to the Universities, that they should find them plunging deep into German commentators whom it is vain for you to stigmatise as infidel and abhorrent. They find at the Universities that they possess the scholarship, the knowledge, the learning, that will be sought and must be had. This is unceasingly felt, and German exegetics are increasingly in demand.

It is impossible to overrate the magnitude of the evil; and it was this which turned the eyes of many to the Universities some years ago. The danger was at that time approaching. Since then we have had poured upon us the works of young men fresh from the Universities—and whose reputation and influence, derived from the Universities, ensure to their writings, some of which are for abandoning revelation, others for rejecting inspiration, a ready and large circulation. And all this, I repeat, with no antidote—no works of Englishmen to contend with this gigantic evil—no great scholars, no eminent theologians. The plague is upon us; and when we look to our Universities as citadels of our faith—as storehouses of great and learned men—planted, like so many fortresses, to prevent a sudden incursion of error from occupying the land—those venerable watchmen respond to the cry by presenting a memorial to the Minister, entreating him to respect their privileges, and not to disturb their slumbers.

Now, if all this which I have endeavoured (and not without support from authorities in both Universities) to show, be true—if our Universities have fallen from their high place as fountains of faith and learning—if they do not raise our historical literature, nor sustain, if I may so term it, our national theology—if our classical students are referred to German commentators, and our theological inquirers are committed to German exegetists—if, producing no great works for our youth to study, and few great men for our youth to reverence, they do not, as great and powerful and privileged institutions, fulfil the high ends of their existence—then I say that the necessity for legislative interference is quite established—the determination of the Government to act temperately, but vigorously, is fully vindicated; and it should be the duty of us all, by an united effort, to terminate the contrast unhappily exhibited between such magnificent endowments and such inadequate results.

Having shown the defects at present existing in the Universities, I should have wished now, if I had not already trespassed so long on the indulgence of the House, to have examined the provisions of the Government measure, and shown where it fails in the attempt to apply an efficient remedy. I have said that, under the present system, the college tutor is a stationary being: so he may remain after this Bill is passed. The professor is insignificant and unemployed: this Bill does not promise him either importance or occupation. We lack theological learning and classical scholarship at the Universities. I do not see that either will be promoted by the Bill as it now stands. But I do not wish my opinion of it to be mistaken. I think it possesses the materials of an excellent measure—conceived in a right spirit and based on sound principles; but inasmuch as, acknowledging and proclaiming existing wants—aiming and professing to supply them—it does so in an obscure, uncertain, and imperfect manner—and inasmuch as some of the Amendments suggested from the other side are founded, in my opinion, on a misconception of our position and duties in relation to the Universities, I believe we should do well to refer this Bill to a Committee upstairs, where opposite views might be discussed more fully and clearly than in a hurried passage of its clauses through a Committee of the whole House; and thus the object of the Bill more generally acknowledged and understood, its provisions might be brought into conformity with its professed aims.

But there is one provision of the Bill to which I must more particularly refer. There was no part of the speech of the noble Lord who proposed this measure to which I listened with so much satisfaction as where he expressed a desire to restore life and vigour to the professorial system. There are few of us who do not, as years add to our experience, become more impressed with the impolicy of discarding what is old in order to substitute what is entirely new; for though institutions or systems may have come down to us defaced by time, still when the dust and disfigurement have been removed, something useful and good is always discovered beneath. So it is with the professorial system. That was the ancient system of the Universities in their golden days, when they were an embodiment of the learning and progress of the age. Originally, as we know, it was the duty of every Master of Arts to lecture. His opening a school was the condition of his degree. Professors, like Abelard in Paris, drew students from all parts of Europe; and even now in Germany (where the old English professorial system exists, but without the catechetical intruction and examination by which we should adapt it to modern times) an eminent professor attracts crowds of students to one University in preference to another.

With the decline of the professorial system the Universities declined. What was the cause? The increasing importance of the colleges, as distinct from the University—their growth and their monopoly. Each college is now a small preserve on which no poaching is allowed. The student is restricted to the lectures of the college tutor; and the college tutor, by means of this monopoly, has superseded the University professor. Instead of the teacher's mind being fixed on one subject on which he should become eminent, he has got to lecture on many of which his knowledge is superficial. Thus the University has succumbed to the college, and the college has dwindled down to the school; and our Universities have become great public schools—seats of teaching, not of learning—engrossed with the one task of preparing men for the degree, but no more influencing the public mind of England or Europe than the public schools of Eton or Westminster, of which they are but reproductions on a larger scale.

And then we have been told that we cannot emancipate ourselves from this depressing system because the colleges have Statutes of their own, which render them independent. I think that objection has already been completely answered; for it has been shown that the colleges have no scruple about dispensing with these Statutes when their observance is inconvenient, and their sanctity is only urged when some interest is promoted by it. I deny that these colleges are, or by their founders were ever intended to be, independent of the University; but everything, on the contrary, goes to show that they were meant to be subordinate and subsidiary endowments. Their founders, I believe, never dreamt of their usurping legislative functions to strangle and destroy the parent institution. All their preambles set forth one object—to promote learning and religion; but if the effect of their endowment were to defeat the very object the founders had at heart, it is the plain duty of Parliament to step in—not to set aside founders' wills, but to restore them to a conformity with founders' intentions and common sense. Whatever, therefore, impedes the free action of the Universities, renders them unattractive to learning, and lowers their just influence and reputation, should be at once removed; and in place of it, we should rear up a system on the principle which has ever been proved the most sound and safe among us, where modern improvements are grafted on an old stock, and become thus the fruits rather of experience than experiment. We have the system both of tutors and professors, ready to our hand, now existing in the Universities. The last has fallen into decay, and the former degerated into abuse; for the college tutors have become only nominally the teachers—the real work of instruction being carried on by the private tutors, a most important new body, whose existence is not even acknowledged in this Bill.

Now, it should be our aim to combine these two systems, and in such a way as to give life and reality to both. No practical man will dream in these days of imparting education solely by the public lectures of a professor; for however eminent the man, and however eloquent and attractive his instruction, the knowledge so acquired must, at the best, be superficial. But, on the other hand, no practical man would extol a system from which the most eminent teachers were shut out, and the student was tied down to instruction from a tutor who was himself of inferior attainments. Under the present restrictions as to college tutors and examiners, all chance of healthful progress is at an end; but if some such arrangement as the Commissioners have suggested were carried out—if, in the third year, when it is notorious that undergraduates have ceased to attend college lectures, those of the professor were substituted—the lectures of the professor being accompanied by catechetical teaching on the same subjects by the college tutor acting as the professor's coadjutor—and if the professor were one of the examining body—the stationary routine would be broken through; the professorial and the collegiate systems would be powerfully united; and the student's mind, carried by the higher teacher through boundless fields of science or knowledge which he had himself explored, would have the views thus opened to it fixed and methodised under the close work of the class tutor: and education, thus elevated and perfected by two agencies—the inspiration of genius and the discipline of the routine master—would advance under a system more ennobling in character and more practically beneficial in its results than any of which we have ever yet had experience. The tutor himself must under such a system become a student to keep himself up to the professor's standard. A new object of ambition would be opened to the college fellow: he would have the highest motive to improve himself in that department of literature which offered a new prize to his exertions. For the office of a professor would be one of honour and emolument; and throughout the successive grades of undergraduate, fellow, tutor, professor, there would be a constant incentive to labour and self-improvement; and a connection with the University would be a source of pride, as implying a connection with all that is great and learned.

And we ought to aim at some such change; for it is a very serious national loss not to have the most eminent men engaged in the highest walks of learning. Nay, in our age, it is a national danger. For there is no question of such unutterable importance to the future destinies of the human race, as that which is now in progress of solution in Europe—namely, the relation which Christianity bears to the state of knowledge, and the general development of civilisation, as it is called, in modern times. There are signs of truly awful significance which no good man, much less any statesman, ought to overlook. That whole nations may be brought practically to abandon Christianity is proved beyond dispute, disguise it as we may, by the actual state of the Continent. We see there, in one nation at least, and a very leading one, a spectacle unparalleled in the history of the human race—the profoundest irreligion and depravity—the most open and undisguised profession of materialism, sensualism, and atheism, combined with the highest development of the intellect. It is the coexistence of these two phenomena that is so unspeakably formidable. Greece at various times, and more especially Rome under the Emperors, sunk into a debasement equal to anything now exhibited abroad, and also perhaps more general. But on the other hand, there was not the pure light of Christianity—the same model of goodness and virtue then propounded; there was therefore no sinning against the same amount of light and knowledge, and consequently not the same hopelessness for the future. There existed the hope, and it was realised, that the proclaiming of a lofty and inspiring creed would awake all that was noble and great and holy in the human heart, and create such a regeneration of society as should give a new impulse and a new future to the human race. But if the highest conceptions of virtue and purity and goodness are despised and trampled on, whence shall we seek for a new gospel—a new hope—a new dawn of a new era—a new array of motives—a new civilisation?

I own that the prospect to me is full of danger. It is our duty to look well to what is occurring on every side around us. We busy ourselves with precautions against that physical pestilence with which we are periodically threatened; but there is a moral pestilence, yet more dreadful, against which it would be well to take precautions not less timely. Our people, thank God, are as yet right-hearted; we have as yet a national faith; we are in reforming, and not destroying, times; our appreciation of the useful has not extinguished our veneration for what is ancient. But we have a great mission to discharge. We have been eminent in arms, in arts, in commerce. It was our proud distinction, that, amid revolutionary excesses, we were the shelter of every unfortunate and the harbour of every exile. But a higher and a holier mission may yet await us. Christianity itself, without a home or resting-place in Europe, may seek a refuge on our shores; and then, where should we look, if not to our Universities, for champions who, combining the highest erudition with the purest faith, may turn back the tide of infidelity from our homes; and reanimate the truth on which the practical philosophy of France and Germany have cast a doubt — that, even among the old nations of the world, the freest institutions are compatible with the highest morality; and the most profound and critical investigation of the evidences of Scripture but establish the conviction that inspiration was their source and revelation their distinctive title.

The CHANCELLOR of the EXCHEQUER: Sir, I have listened, as many who sit round me, I am sure, must have done, with great interest to the speech of the hon. Member who has just sat down. At the same time, I have not been successful in gathering from that speech his intentions as to the vote he proposes to give to-night; indeed, if I understand the hon. Member rightly, he did not intend himself that any one should gather his intentions. I will say a few words, before I refer to the Motion before the House, on the general tenor of the speech of the hon. Member. As far as I comprehend his objects, his fears and hopes, and the principles to which he has given expression, I sympathise very much with his views on the subject of the functions of the Universities, the duties incumbent on them under the circumstances of the times, and the dangers to which both they and the truths which it is the main part of their business to uphold are exposed. But, however much I may sympathise with the hon. Member on those points, and though I am also disposed to go with him in his lamentations on the present defective state of our Universities, particularly in regard to theological learning, yet I am sure he will forgive me for saying that whilst no one could hear the speech without being ready to pay tribute to the perfectly fair and dispassionate tone which characterised it, I yet think it was pervaded by a tone of exaggeration. It seemed to me that both as to the dangers themselves and the means of meeting them, though there is much truth in what has fallen from him, the case is far from being so bad as he has represented. I confess I do not think, though there are many sad and ominous signs in the aspect of the times, that Christianity is about to be exiled from the Continent of Europe, and to come as a suppliant to our shores. I do not think we are so deficient in the means of defending the faith we profess as my hon. Friend believes. It would not be difficult to refer to the cases even of living divines in this country, connected with both our Universities, who have achieved very considerable works, which are known and quoted with honour both in this and other countries, and who are well worthy to take rank with the eminent theologians whom England has produced in former times, or with the eminent men who in the present age have conferred honour on other countries by their labours in this great branch of learning. Still, Sir, I frankly own to the hon. Member, and I have never disguised my conviction, that there are many great deficiencies in our Universities. We have not had from them for several generations more than a small proportion of the benefits which, under better legislative regulations, they might have yielded to the country. But let me point out one great though unconscious injustice of which the hon. Member has been guilty. I think he has spoken too much as if the whole duties of the Universities were connected with the press, and the production of learned works. If there are great deficiencies in respect to the study of theology in this country, let him not at all events ascribe those shortcomings so much to the Universities as to the genius of the people. It is the active and practical intelligence of the people, the disposition of all men to hurry in early life to the discharge of its active duties—the immense efforts you have been making, and the immense progress you have achieved in all those departments of industrial art and enterprise which lie remote from the domain of speculative thought—this it is which has made it difficult for you, whether in the Universities or out of them, to keep your ground as regards theological or ethical speculation. That, I think, ought to be said on behalf of the Universities. At the same time, the purpose for which we are here is to take practical views of this question, and I would invite the hon. Gentleman, who, I am glad to say, has kept in reserve any declaration of his intention as to his vote—I would invite him, upon the very ground of public benefit to be attained, and of rendering the Universities more effective for the objects for which they were instituted, to give his vote in favour of the Bill going into Committee. The hon. Gentleman has stated that in the present condition of things the tutors are to be regarded as the bane of the University. Really, I think that on this point the hon. Gentleman has spoken altogether in error. If he means that we must not look to the tutors of the University generally for profound resources and an extensive range of learning, no doubt that is a condition which attaches essentially to the nature of this class of academic teachers, and the duties they have to perform. But is the tutorial system on that ground to be called the bane of the University? That system discharges a most important part of the business of education in this country. A great portion of the mind of England is formed in the University. I grant that much more ought to be, and I hope that much more will be formed there; but the work to which these academic fuctionaries are devoted is that of forming certain practical habits of mind and character in those whom they instruct, and in this I do not think it can be said they have been unsuccessful. The hon. Gentleman has spoken of the learning of German writers, and on this subject it is impossible to do anything else than echo what he has said. I have often been ashamed to think that by far the most considerable works produced in reference to our Universities, giving much the best living picture of their condition, should be due to a German author—I of course refer to Huber—who has reviewed, with the greatest industry and ability, the whole history of our Universities, and especially that of Oxford, from their origin, and has worked out the subject in such a manner as to make his work a treasure to all who are interested in them. Not being blind to their defects, not at all attempting to suppress or palliate them, having his own feelings and views as a German, he has presented us with a more complete account of our Universities than any native author ever attempted. If the hon. Member will refer to Huber, he will find that the English Universities have discharged a great and essential part of the functions of national life, quite in harmony with the character of the institutions of this country, in training up a class of educated persons, the best qualified, by their habits of mind and the formation of their character, to guide the future destinies of this country, and to discharge the various duties of society, each in the occupation to which he may be called. Now the course taken in this debate has been of a twofold character. While, upon the one hand, the hon. Member for Stroud (Mr. Horsman) has entered very much at large into the case of the Universities, upon the other hand we have to consider likewise the Motion of the hon. Member for North Lancashire (Mr. Heywood), and the speech he made with a direct bearing on that Motion. I would say that, passing from those portions of the speech of the hon. Member for Stroud which were of a more general character, there was one question which he put to which I think it my duty to give an answer, and which I consider it easy to answer in a way which will be satisfactory, both to the hon. Member and to the House. The hon. Gentleman, after having stated that there was no theology, and little or no learning, to be found in the Universities, and that they had no influence on the mind of the country, went on to ask, what provision in this Bill was there which tended to remedy this defect. Certainly if there was no provision which tended to remedy that defect, I should have been sorry to have been a party to submitting such a Bill for discussion in this House. But I should have been induced to say, on the contrary, what provision is there in this Bill which does not tend to remedy these defects? I should say that every one of those provisions of the Bill which may be described generally as infusing a spirit of freedom into the institutions of the University, and as releasing its government from the fetters to which its action has been long subject, will tend to remedy that defect. But the hon. Member must have seen that the Bill is also full of the most specific provisions having the strongest tendency in that direction. At present a large portion of the endowments at Oxford are held by persons chosen to enjoy them, not on account of their great learning or of their high character, but because they are either born in some particular spot or related to some particular person. If the general rule of this Bill is that these endowments should be held up and offered to the country on the principle of *detur digniori*—if, generally speaking, every farthing of these endowments is to go towards prizes for merit, instead of being converted into pensions for individuals, respectable no doubt, but in a great number of instances nothing more—provisions like that must have a powerful tendency to remedy the evil of which the hon. Gentleman complains. It is proposed by this Bill to reorganise the professorial system of the University upon an extended scale as to numbers, emoluments, and dignities. The hon. Member for Stroud has a solemn notion of the importance of the functions of the professors; but surely if this Bill creates a large and effective staff of officers of that kind, he will admit that it tends directly to remedy the defect to which he has adverted; because, unquestionably, one recommendation attending the increased strength of the professorial body is, that it will tend to produce and maintain a class of men devoted to profound and comprehensive study. But the Bill does not stop there. There are provisions which go still more directly to the point, by providing that every fellowship and emolument of the colleges in the University shall be held in connection with the discharge of active duty. After all this I really think the last objection that can fairly or seriously be made against the Bill is, that it has no tendency to remedy the defects of learning, and the defects especially of theological learning in our Universities.

But we have likewise to consider the question involved in the vote we are to give on the Motion before the House. I think the hon. Member for North Lancashire must understand the probable effect of his own Motion at the present moment more fully than he did when he entered the House this evening, because he has had, as we have all had, the great advantage of listening to the speech made on that Motion by the hon. Member for North Warwickshire (Mr. Newdegate). He sees now by that speech what is the tendency of his Motion to promote the purposes of University reform. The hon. Gentleman the Member for North Lancashire has long made most consistent and energetic efforts for the attainment of this object; but I think he will now begin to question whether the character of his Motion is not changed, when he finds himself not only cheered, but supported, by the hon. Member for North Warwickshire. This is a Motion which in its tendency and effect aims at getting rid of the Bill altogether. There can be no mistake or misunderstanding on that subject. I have one presumption in my favour to commence with, and that is the speech of the hon. Member for North Warwickshire. That is good evidence, which would be admitted anywhere, and which is perfectly unimpeachable so far as it goes. The hon. Member for North Warwickshire may be mistaken, but I do not think he is. I wish here to look at this matter in a practical point of view. It is complained, and justly complained, that we shall lie under great inconvenience when we go into Committee, because so small a number of the Members of this House are conversant with the institutions of Oxford and the nature and provisions of this Bill. But I do not see that the proposal to refer the Bill to a Committee of fifteen Gentlemen upstairs has any very powerful or immediate tendency to remove that evil of which we complain. I do not deny the inconvenience, but in my opinion to allow the Bill to go into Committee is, under the circumstances, the best course we can adopt. But I look at the question with reference to the fate of the Bill altogether. This is a Bill containing, I believe, fifty-eight clauses. Those clauses, many of them, branch out into a variety of particulars. But not only this; the Bill brings into existence other powers in the hands of the University, in the hands of the colleges, and in the hands of the Commissioners, under which a vast number of distinct processes of what I may call sub-legislation must go on. The University has a history running over from 600 to 800 years. In that period an immense number of institutions have grown up, of which there are scarcely any two that have precisely the same form, and a vast number of other institutions extraneous to the University having again separate and almost countless interests under innumerable schemes of communication, which, during the last twenty ages or so, the benevolence or the caprice of different individuals has devised. There is not a school in the country interested to the extent of 10*l.* a year in any one of the exhibitions of which I speak, that will not desire to be heard before the Committee upstairs, should it be appointed on the Motion of the hon. Member. I could not, were I the hon. Member's most bitter enemy, condemn him to a severer punishment than that of conducting the Committee which he has so rashly invoked. We have had some experience in preparing such a Bill as the present; and I may say a word as to the time which such a Committee would be likely to last. I do not think the hon. Gentleman would find that the lapse of six weeks or two months would enable him to bring back this Bill from such a Committee in a satisfactory shape for the consideration of this House. If that is so, really the question comes to be whether it is desirable—first, that this Bill should be rejected for the year; and, secondly, whether it is desirable that it should be rejected after it has been affirmed without a division upon the second reading of the Bill, and under the form of a Motion which contemplates an object altogether distinct? I think, if the Bill is rejected, it should be rejected in a plain and intelligible manner, upon a Motion directly aimed at its merits. In this way we should understand what are the motives of those who reject it, and the reasons they assign for its rejection, whether it does too little or too much; a course which would be far more desirable and far more worthy than rejecting it through the agency of a chance combination. I say this Bill ought not to be rejected. Summoned from all England as the members of the University were, to discuss this Bill, the result has shown that the numbers who assembled at Oxford for that purpose were equally divided; but if, not content with numbers alone, you analyse the composition of those numbers, you will find that of the men engaged in doing the work of the University, the vast majority were favourable to the principle of the Bill. I do not believe the House of Commons will refuse to consider in its details a measure which has been framed by the Government with all the care and caution which they could bring to the task, and which, being a large measure of reform and improvement, is held by this University itself, or at least by a majority of its working body, as likely to relieve them from undue restraint, to give greater efficiency to their labours, to make their endowments really available for the purposes for which they were intended —in short, immensely to increase the benefits which the University has conferred upon the country. I do not think the House will reject a Bill so framed and so received, and which, after ample discussion and time for preparation, was allowed, without a vote, to receive the sanction of this House on the second reading. When we have gone into Committee and grappled with the difficulties which I freely admit to exist, and ascertained how near we can come to one another—where we agree and where we differ—I can quite understand how, after that, it might be a rational as it would be a perfectly competent course for any hon. Member to say—"I feel myself incompetent to the full consideration of this measure, and therefore I should wish to see it referred to a Committee upstairs." But this is clearly not the occasion on which such a course ought to be taken, and I repeat that, if in the circumstances I have spoken of this Bill should be consigned to a Committee for the consideration of its details, the effect will be the inevitable postponement of the Bill for the present Session.

There is only one other topic which it is necessary to mention, and it is this—the hon. Member for Dumfries (Mr. Ewart), who followed and supported the hon. Gentleman who has made this Motion, gave us to understand that they wished to refer this Bill to a Select Committee in consequence of its not containing any provision for the settlement of the question which has been raised respecting the admission of Dissenters to the University. I thought we were to have had a fair discussion and debate, both on the whole merits of that important question and upon the expediency of mixing the consideration of that with the consideration of the present measure when we got into Committee on the Bill. The hon. Member for North Lancashire (Mr. Heywood) gave notice that he would raise that question on the Bill going into Committee, and, in these circumstances, I submit that he ought not to propose to take the Bill from us altogether on account of its not containing spontaneous clauses upon that subject. I will not forestall any question that may be raised in Committee as to the admission of Dissenters into the Universities. The hon. Member for North Warwickshire (Mr. Newdegate) says, I am under peculiar relations and obligations to the constituency which I represent. I admit that, and one of the obligations I owe to that constituency is, that on all questions in which their interests or feelings are engaged I shall be most circumspect and cautious as to the choice of times and opportunities for discussion. I am unwilling, therefore, now to refer to the question of the admission of Dissenters to the Universities, because it would be impossible to enter fully and satisfactorily into it; but I put it to the hon. Gentleman whether he will pursue a course so ungenerous as to attempt to intercept a great measure of improvement for the University of Oxford because it does not contain some other improvement which he thinks essential to a full and satisfactory settlement? The hon. Member for Dumfries said that, very often, to grant a certain portion of reform had the effect of stopping all other reforms. I grant that it has the effect of stopping further reforms of the same kind; but what I say is, that if you think it desirable that the real sense, the real mind of the University of Oxford itself, should in the first instance be taken into consideration—that it should give full and fair consideration to the question of the admission of Dissenters, then do not raise the question on this Bill. We are going by this Bill to restore the liberty of a corporation which, through the intervening agency of a particular Statute, has lost the ancient liberties that it possessed. It has come to be in a condition in which its actual power to say aye or no on a simple question depends entirely not on its own sense or judgment, but on the opinion of twenty-four gentlemen, of the greatest respectability no doubt, but twenty-four gentlemen not chosen by the University, not put in to govern the University by the University, but chosen by particular societies to manage the affairs of those societies. I do not call that freedom. We are going to give the University something like a constitution; we are endeavouring to provide—and Parliament, I hope, will approve the proceeding—that the governing body of the University shall be a real transcript and representation of its mind. Now, on this subject of the admission of Dissenters to the Universities, I say, without prejudging what the view of the University of Oxford will be, that it never has had the opportunity of considering that question. It never has had the means, it never has had the organs, through which to consider that question—to look into the question, and see how far it is possible without departing from the essential principle of their body, to meet the reasonable and natural wish of Dissenters to avail themselves of these institutions. We ask you now to pass this Bill which will give to Oxford a representative government that will enable them to consider that important subject, and thereby advance the question to that point that will lead to its final solution. On these grounds I venture to express the hope that the hon. Gentleman (Mr. Heywood) will not persist in a course of action that is liable to the imputation of indirectly preventing the improvement of the Bill in Committee. At all events, the course of the Government is clear. As the effect of this Motion would be the utter ruin and destruction of the Bill for the present Session, the Government have no option but to meet it with a most emphatic negative.

Mr. HORSMAN said, he was desirous of explaining that in the remarks he made in reference to the tutors, he spoke only of the system under which they acted, and not of the men themselves. He did not mean to apply the term "bane" to a body of men for whom, collectively and individually, it was impossible for any one not to have the highest respect. He wished also to state that had he seen a possibility of the Bill being considered and passed this Session, after having passed through a Committee upstairs, he should have voted for the Motion of the hon. Member for North Lancashire.

Mr. HADFIELD said, he hoped the hon. Member for North Lancashire (Mr. Heywood) would go to a division. What was this Bill to him, or to those who, for 150 years and more, had been excluded from the Universities? He would have been better satisfied if he had received any assurance from the Government that it was their intention to admit Dissenters to the advantages of the Universities; but no such assurance had been given, and the inference was drawn by him and all his friends that it was not intended they should be admitted to the University of Oxford. He thought the country, and the Dissenters in particular, were exceedingly indebted to the hon. Member for Stroud (Mr. Horsman) for the very able speech he had addressed to the House; and if anything could reconcile his (Mr. Hadfield's) mind to the deprivation of himself and his family, arising from their exclusion from the Universities, it was the dreadful exposure which the hon. Member had made of the short-comings of those Universities. That was a state of things which could not long be endured. He thought the House might fairly understand that there was a division in the Cabinet on the subject of the admission of Dissenters, and that a compromise had been made among them, the effect of which was the production of a Bill beneficial only to the Universities. The Universities had done very little to raise the character of the country. What could have been done towards evangelising the country if that important matter had been left to the Universities? The Protestant Dissenters, without their assistance, had attained to a position and an influence which gave them a decided majority in the country; and yet the Government came before the House of Commons, and actually introduced a Bill for continuing their exclusion from its seats of learning, and that without leaving them any redress. He had no sympathy with such a Bill, and he would cordially vote for the Amendment of the hon. Member for North Lancashire.

Lord JOHN RUSSELL: I did not intend, Sir, to have taken any part in this discussion, and would not have done so but for the speech of the hon. Member for Sheffield (Mr. Hadfield). I must confess that I cannot agree with him, and I protest against the spirit in which he has addressed the House. If there is illiberality in any party—if there is any illiberality on the part of the Church—if there is illiberality on the part of our laws and institutions, or in any department of the State —the illiberality of the hon. Gentleman completely distances any illiberality of which he can complain. The hon. Gentleman asks, "What is this Bill to me, and what good will it do to us who are excluded from the Universities?" I may be permitted to mention that I have always been a member of the Church, and so have my family always been members of it; but I belong also to a society the principles of which is, that schools shall be established without reference to the Catechism or the Church, in order that Protestant Dissenters may be enabled to obtain the benefit of education for their children. But what if I were to say, "Of what use is this to me? Of what use is it to me that Dissenters should have the benefit of this education, and not Churchmen? therefore I will not support such schools." I hold such an illiberal principle ought not to have been propounded by a Protestant Dissenter? Protestant Dissenters, ever since the commencement of the reign of the House of Hanover, have always professed liberality on these subjects, and this is the first time I have heard it urged, with reference to a case of reform, that it is one that does no good to the Dissenters, and will only suit some 5,000,000 Churchmen, who will be the only persons benefited in the matter. I ask, are not these Churchmen the fellow-subjects of the hon. Gentleman? Are they not inhabitants of the same country as himself? If their education can be improved—if poorer members of the Church are to be better rewarded for their learning, can the hon. Gentleman not support such claims—has he no fellowship, no sympathy but for those who belong to his own religious communion? I really think the members of the communion to which the hon. Gentleman belongs will hardly approve or sympathise with such sentiments. Then the hon. Gentleman says this Bill is a compromise between the Members of the Government. He is as equally unfounded in that imputation as he is uncharitable in the statement to which I have just adverted. When I assented, on the part of the Crown, to the proposal for a Commission—when the hon. Member for North Lancashire (Mr. Heywood) who has been most earnest and zealous in this question—proposed a reform of the Universities, and when I stated that the then Government had advised Her Majesty to issue a Commission, I stated expressly that I thought the improvement of the Universities should be made a subject of itself, and that the admission of Dissenters should be reserved for separate and future consideration. My right hon. Friend who sits near me, the Chancellor of the Exchequer, was not connected with me in a political party at that time. We had no political connection whatever. I said at the time that I thought such a course was the best that could be followed for both branches of the subject—that it would be of advantage to the cause of University reform on the one hand, and that it would be an advantage to the cause of the admission of Dissenters on the other. I have always been, as the hon. Gentleman well knows—having at no time disguised my sentiments—I have always been in favour of, and given my vote for, the admission of Dissenters to the Universities, whenever that question was brought forward. Twenty years ago and more I voted in favour of their admission; but there have always been presented by the Universities great obstacles to the granting of that prayer. It was stated, for example, that it would interfere with the discipline and the organisation of the colleges now existing in Oxford. By this Bill it seems to me that those who might bring forward a measure on that subject will stand on a far better ground than before. The hon. Member for North Warwickshire (Mr. Newdegate) says that is an objection to the Bill. I can understand how the heads of houses who oppose a formidable obstacle, that is not successful in this House, whatever it might be in the other House of Parliament, should oppose the admission of Dissenters. I can understand, also, when a master of arts has opened a private hall in the University of Oxford, if this Bill passes, that he should say all Dissenters ought to be admitted to the Universities, because he, in his private hall, could make such rules as would not render it obligatory on Dissenters to attend that kind of religious instruction which did not accord with their own conscientious views. I say, then, that in promoting this Bill, I am promoting the cause which the hon. Gentleman has at heart. But I feel quite sure of this, that if we take care that a Churchman, when he goes to a University and distinguishes himself by his knowledge of mathematics and natural philosophy, shall not gain any benefit to which he would be thereby entitled, because there was another boy, a Dissenter, who is not admitted, we shall be acting on a maxim most unfair and illiberal, and one which must tend to postpone indefinitely the reforms we desire. I ask, therefore, in the cause of practical reform, that the House will not allow an objection of that kind to operate with regard to this measure. With regard to the hon. Gentleman who has made this Motion, it seemed to me that his objections, whatever degree of force might belong to them, were questions specially for the Committee, and that they are questions that can be freely discussed in Committee alone. With respect to many of the suggestions that he has made, it may appear on discussion that my hon. Friend is right, and, at all events, he will have a fair hearing for those suggestions. My right hon. Friend the Chancellor of the Exchequer has truly said that, if the hon. Member (Mr. Heywood) persists in his Motion for a Select Committee, we may expect that that Motion will be decisive of the fall of the Bill. What my hon. Friend can least of all expect is, that this House will name a Committee favourable to his views. It is evident that if he proposed fifteen gentlemen, with nine or ten of them holding his views, his seconder would get up and propose that seven of these should be left out, and thus the majority of the Committee would be favourable to maintaining the University of Oxford as it is, or with a *minimum* of reform that the heads of houses themselves might approve of. Therefore, as a practical object, my hon. Friend would gain nothing by his Motion, and I hope that, seeing the turn this discussion has taken, he will not persist in pressing it upon the House.

Mr. HENLEY said, he believed there must be good ground for the statement of the hon. Member for Sheffield (Mr. Hadfield), that that Bill was the result of a compromise between the Members of the Government. The noble Lord the Member for London had just told them that the Bill would afford facilities for the admission of Dissenters to the Universities; while they had a right to assume, from the antecedents of the right hon. Gentleman the Chancellor of the Exchequer, that that right hon. Gentleman was opposed to such a step. He had not heard the hon. Member for North Lancashire (Mr. Heywood) say anything that would lead any person to the inference that he wished by his Motion to throw the Bill overboard; therefore, such should not be assumed. The object of sending the Bill to a Select Committee was that it might be fully discussed in such a way that it could not be in that House. It had been stated, with great adroitness, that the hon. Member for North Warwickshire (Mr. Newdegate) had seconded the Amendment of the hon. Member for North Lancashire. Such was not the fact. His hon. Friend had spoke in support of the Amendment, but had not seconded it, though the right hon. the Chancellor of the Exchequer had cleverly taken hold of what he supposed to be the fact for the purpose of mixing together the actions of two parties who were not ordinarily in the habit of taking the same views upon political subjects. He (Mr. Henley) thought the Bill would come out of a Select Committee much less objectionable than at present; and, therefore, he should vote in favour of the Amendment.

Mr. MIALL said, he had listened to the speech of the noble Lord (Lord John Russell) with great surprise, and with some regret at the tone with which he charged his (Mr. Miall's) hon. Friend the Member for Sheffield (Mr. Hadfield) with illiberality, because his hon. Friend said, with regard to this Bill, "What interest have we, the Dissenters, in it—what does it do for us?" The noble Lord appeared to assume that his hon. Friend the Member for Sheffield could take no interest except in such matters as might be found within the small range of his own denomination. Now he knew his hon. Friend far better than that, and could say that his liberality and zeal did not know any denominational bounds. But it was somewhat amusing to be charged with illiberality by those parties who would not allow them the benefit of a national institution. Government, by the introduction of this Bill, admitted that this was a national institution; that it had not been made to cover the whole nation, and that the advantages of it were intended for one sect only—that sect comprising about one-third of the population of the kingdom. They, the Dissenters, objected to this Bill, on account of its illiberality. If this were not legislation, it would be another matter; but they came there to legislate not for a sect but for the country, and they objected to this Bill because it purposely set aside a considerable portion of the population, and they believed it was not for the advantage of the country that they should be continually paying deference in their legislation to the bigotry that was to be found in another place. The Government knew that the Bill would pass easily in another place if it obtained the sanction of the episcopal bench; and in order to bring it in conformity with the opinions of that bench, they had framed it in its now illiberal spirit. By taking the course they did, they were exalting the illiberality he had mentioned, and we should have not simply King, Lords, and Commons, but likewise episcopal illiberality as one of the institutions of the State, which it would be absolutely necessary to consult before passing a Bill into law. He was forcibly struck with one thing in the discussions which had taken place on this subject, the grateful affection with which every Member of that House who had been educated at Oxford, spoke of his *alma mater*. He could thoroughly enter into and sympathise with that feeling, notwithstanding the disadvantages and drawbacks that existed at Oxford, and of which the speakers themselves were sensible. He sympathised with their fond affection for the University at which they had acquired the learning they possessed, and of which they had made so favourable a display, but it must be admitted that they who were purposely and systematically excluded from the advantages of an Oxford or a Cambridge University education needed no small patience to listen to those glowing eulogies of the advantages to be derived from Oxford and Cambridge; and it could hardly be charged on them as factious that they did not take much interest in a Bill that was not only not intended to promote their interests, but which actually went beyond the line of justice in order to exclude them from any participation in the benefits of these Universities. The noble Lord (Lord John Russell) when he appointed a Royal Commission of Inquiry into the Universities, purposely excluded Dissenters from the benefit of that Commission. They, the Dissenters, had had no inquiry preceding legislation. The noble Lord had referred to the Motion of the hon. Member (Mr. Heywood) as if it were virtually to get rid of the Bill, but the noble Lord had himself referred Private Bills to a Select Committee, and the right hon. President of the Poor Law Board had referred the Settlement Bill to a Select Committee. If, indeed, they got rid of the Bill this Session, and got a better Bill next Session, he did not think the country would have to find fault with them. A Church Establishment existed in Scotland, without University exclusion, and there was not the same exclusion in Dublin that there was at Oxford and Cambridge. But what had Government done? They had, first of all, denied them the right of inquiry before the Committee, and now wanted to legislate, and said to them, "You stop all progress," and so they would ever be treated till they knew how to respect themselves. They had been twitted that evening that they could not possibly give a sound vote in company with the hon. Member for North Warwickshire (Mr. Newdegate). He had not much sympathy with the general opinions of that hon. Gentleman, but he was not afraid to vote with him when he thought he was voting right. He should vote for the Committee on the ground that an inquiry was necessary. Legislation was fitly preceded by inquiry, and as inquiry had taken place by Royal Commission on all the points except that which affected Dissenters, they now asked for a Select Committee before which Dissenters themselves might bring forward evidence calculated to clear unwise and ill-founded prejudices and objections out of the way. He believed they could do that if they had an opportunity, but an opportunity was denied them, and so they would ever be treated until they knew how to respect themselves. The real object which he had in view in supporting the Amendment was to obtain for Dissenters the same measure of justice which was given to the members of the Established Church, and if the House allowed them to discuss the question honestly and fairly in a Committee, he felt satisfied that they would be able to adduce such evidence as would convert the greater portion of those who wished to maintain the exclusive character of the University.

Mr. HEYWOOD said, the noble Lord (Lord J. Russell) introduced the Bill without mentioning the ecclesiastical organisation, and he (Mr. Heywood) was not aware what the nature of the Bill was till he saw it, and it seemed to him the best policy then was to vote for the second reading on account of its being a great step for the Government to take up the subject at all. He also thought the time had arrived when the University of Oxford ought to be reformed. After the second reading it was the usual course that private Bills should be referred to a Select Committee, and it seemed to him desirable that this Bill should be referred to one also. He differed from the right hon. Chancellor of the Exchequer, who thought that the clerical interest ought to preponderate at Oxford. When they examined into this matter it would be found that this clerical preponderance arose from the original monastic character of the colleges. He thought it a great misfortune that they were not reformed to a greater degree in the time of Henry VIII. and Edward VI.

Mr. SPEAKER intimated that the hon. Gentleman was out of order.

Mr. HEYWOOD said, then he would only add that he could not accede to the suggestion that was made, and he must divide the House on his Amendment.

Mr. DISRAELI: Sir, if the hon. Member for North Lancashire had consented to withdraw his Amendment I should have remained silent; but, as he has determined to divide the House, I feel it my duty to express my opinions on the subject. It appears to me that the Amendment made by the hon. Member is not an irrational one; for it was admitted by the noble Lord, when he introduced his measure, that the right hon. Gentleman the Member for the University (the Chancellor of the Exchequer) whose name is on the back of this Bill, and the noble Lord himself, had not agreed upon the admission of Dissenters to the University. The noble Lord and the right hon. Gentleman have since expressed opinions on this subject quite contrary to, and the reverse of each other, and therefore it is certainly not very absurd in the hon. Member for North Warwickshire (Mr. Newdegate) to think that there may be yet other arguments to be used and other reasons to be suggested. Those used by the right hon. Gentleman the Chancellor of the Exchequer to-night have assuredly not been very satisfactory, and I cannot in any way lend myself to the opinion that, by acceding to the Amendment of the hon. Member for North Lancashire, we should necessarily be creating unlimited delay, or, at any rate, be subjecting the measure to useless procrastination. Surely this is not a class of argument to which the Government ought to have recourse, especially this Session—when we have seen reforms of much greater importance than even those of the University of Oxford postponed. Surely, Sir, if we can afford to delay a reform of the English Constitution, it is not a very unreasonable thing if fair reasons are adduced that an hon. Member should suggest the propriety of deferring for some time, or until proper inquiries should be made and satisfactory evidence obtained, the consideration of these University reforms. But I deny the assertion which has been made—that a reference of this measure to a Select Committee is necessarily a postponement of it. If this Bill were sent before a Select Committee it would in my opinion be possible to produce a Bill from it for the consideration of the House, which might accomplish great advantages, and which would still be free from the objections that, I think, are obvious on the face of the Government project. What I object to in this Bill is, not that it attempts to reform and reconstruct an ancient institution of the country—it is not that it may lead to very great changes, not in the constitution, but in the administration of the University—but that it strikes a blow—a fatal blow, in my opinion—at the self-government, the freedom, and the independence of the University. That blow, I think, is an unnecessary one, and I am sure that if this Bill were referred to a Select Committee, all the results might be obtained which are required, without dealing the blow, which, I am sure, Gentlemen on both sides of the House must reprobate and disapprove. That is my great objection to this measure.

You propose to form a new constitution for the University of Oxford. Grant that a necessity is now admitted to exist for the establishment of a new constitution for the University—why do you attempt also, at the same time, to realise what should properly be the results of the action of that new constitution? What you propose is not only to establish a new constitution for the University, but also to enter in minute detail into all those subjects the ordering and management of which are the proper office of the new constitution which you are about to establish. If the House of Commons is to settle how students are to be lodged—if it is to adjudicate upon the scheme of education to be given by the University—if it is to decide what portion of the revenues of a college is to be devoted to the maintenance of the particular objects for which that college was founded, and what portion is to be dedicated to the more general purposes of the University—if the House of Commons is to decide on all these subjects, where, I ask, is the necessity for creating and establishing a new constitution for the University at all? If you established a new constitution for the University, and if you left to it to decide upon all these questions of detail, which are comprised in the sections of this Bill, you would not be attacking the power of self-government in the University—you would rather be increasing it, and giving strength and expansion to its freedom and independence. I may be asked, however, how it was that, entertaining these objections to the Bill, I allowed it to go to a second reading without opposition? Perhaps, Sir, if I had altogether followed my own inclination, I should have opposed the second reading, and it certainly was not, I may say, without great anxiety and consideration that I acceded to that stage of the Bill; but I thought the Motion of the hon. Gentleman the member for North Lancashire (Mr. Heywood) would give me an opportunity for expressing my sentiments with regard to the measure. The result at which the House has at present arrived is, that there must be some change in the present constitution of Oxford; but if the Government project is referred to a Select Committee, that Committee may propose a new form of Government, while it may omit all those clauses which refer to what I think ought to be the natural results of the action of that constitution of the University. Take, for instance, the question of private halls—establishments which, perhaps, I may say, are rather hostile to the colleges than not. Surely this question, if the University has an adequate constitution provided for it, is one which will be much more profitably decided by the University than by the House of Commons. But, Sir, I doubt much whether this Bill, in any one of its proposals, will effect any great and considerable change in the aspect and general character of the University. I do not believe that if you consent to pass this Bill—that if you do actually provide for the entertainment of the students at what are called private halls—you will at all provide for that class of *indigentes*, of whom so much has been said. The extension of the University in this manner is one of the great objects which you have in view; but I doubt very much whether this Bill, if passed into law as it stands, will effect it. Look, too, to another point—the professorial system, of which we have heard so much. I doubt greatly whether by this Bill you will be able to accomplish that great change in the system of Oxford which has been so much talked of, and which by many is so much feared. A professor—at least such a one as is expected by the supporters of this Bill—is not a man that can be suddenly created, even if you increase his income to a considerable extent.

We have heard much to-night from the hon. Member for Stroud (Mr. Horsman) of the results of the professorial system in English Universities, as compared with its results in foreign Universities. Sir, I believe there is a great fallacy in that view. Take Germany, for instance. What sphere is there for the genius, the intellect, the talent, and the energy of Germany but in the professorial chair? Give Germany a House of Commons, and do you think that she would then produce those men of profound erudition, of commanding eloquence—men who can bury themselves in speculative abstractions, and produce those results of erudition which, we are told, shake the world? The fact is, that in Germany, with a gifted population double the extent of ours, there is no avenue for any man by which he can make the world conscious of his powers, except by the chair of the professor. In this country you may increase the salaries as much as you please, but to suppose that you can produce a class of men like the German professors is chimerical. You may see plain and conclusive evidence of what I urge in the revolutions of 1848, when you had popular chambers springing up in all directions all over Germany. Who were then the Members of Parliament? Who were the Presidents and Vice-Presidents of National Conventions? Who were Secretaries of State, and even Prime Ministers, but the professors of the country? I should like to know what was the condition of the German universities during that period when half their chairs were engaged in public affairs? The eloquence that had formerly adorned the professorial chair now attempted to influence a division; the man who had been the ornament and glory of a university was now lost in the depth of a cabinet, acting with the responsibility of the fortunes of his country and of Europe on his conduct. Why, Sir, you had the whole ability of the country devoted to politics; and if we have not these profound professors in England, it is because the character of this country is different; the character of our life is contrary to it. We are a nation of action, and you may depend upon it that, however you may increase the rewards of professors—though you may give them 2,000*l.* instead of 200*l.*—ambition in England will look to public life—men will look to the House of Commons, and not to professors' chairs in the Universities. I believe, therefore, that this is another great point in which you will not find any material change effected by what you contemplate with regard to this revolution—this great revival of the professorial system. You will not be able, however you think you may, to lay your hand upon twenty-five or thirty professors suddenly, capable of effecting a great influence on the youth of England. You cannot get these men all at once; it will be slowly, by degrees, with great difficulty, by fostering and cultivating your resources, that you will be able to produce one of these great professors—a man able to influence the public opinion of the University. Whether, then, you look to the great change which you propose with respect to these private halls, which is, in fact a revolution of the collegiate system; or whether you look to the great alteration you contemplate by the revival of the professorial instead of the tutorial system—on both points you will meet, I think, with disappointment.

What is the third great feature in these changes—I mean that portion of the Bill which professes to deal with the property of the colleges? I think it is neither more nor less than an appropriation clause. It may not at first assume the hideous aspect of such a proposition, but if you analyze it, if you calmly reflect upon it, it is neither more nor less than an appropriation clause. But if you find, on the one hand, that the University is not extended by your private halls, and, on the other, that this new system of education by professors instead of tutors is one which works very slowly, and which does not, even with the long sequence of time, effect the changes which you anticipate, you may say that the property of the colleges will not be considerably assaulted or diminished. Grant all this. But you grant at the same time that the Bill before us is a harmless Bill; because, in fact, it will effect little or nothing. Upon subjects of so great importance I cannot say that I am in favour of supporting a Bill simply because I think it may do no harm, according, of course, to my view of moral and social injury; the very fact that you are dealing with great subjects and great interests, although you may ultimately accomplish little, is in itself a vast evil. But I do not rest my objection on this, what may be considered, limited ground. Admitting that this Bill is not an effective measure—admitting that it does not produce any considerable change—admitting that it does not materially affect the character and condition of the University—will there not, I ask, be a feeling of great disappointment excited by it? The real University reformers will naturally rise and say, "This Bill of yours which we supported turns out just as we suspected from the first—it does no good at all; Oxford is open to all those objections which we have always urged against it; it is characterised by all those evils which we have so often denounced; it remains somewhat modified, perhaps, in form, but in spirit the same, and therefore what we require now is a thorough and real reform." But will not these real reformers find some advantage in the Bill before us, although it may not have produced any results? Will they not take advantage of the clause in this Bill which appropriates a portion of the revenues of the colleges, studiously and subtily as the application of that clause may at present be guarded, and will they not come forward with redoubled force, appealing to your failure as a fatal precedent for a stronger measure? I see in a moment what must be the consequences of the legislation now recommended; if this Bill be successful according to its avowed objects, you do not meet the real difficulties with which you have to contend, and if it fails to produce any absolute and actual change in the general character and condition of the University, it gives a standing ground of immense advantage for the future assaults of those whose designs I cannot sympathise with, and whom I wish to oppose. But if this Bill be referred to a Select Committee, shall we not have means to counteract this difficulty? We shall then have the opportunity of framing the constitution of the University in that manner which we may think most likely to accomplish all that is necessary, and we can invest it with all the power which is necessary to produce the desired results. Then, if the University ever effects changes—if it deals with the question of increased accommodation for students—if it deals with the question which system of education should be most encouraged by the University—if it deals even with the appropriation of college property—it will be from its own action, with entire independence, with entire freedom, with entire self-government, which, in my opinion, it is of the utmost importance for us to encourage in those great seats of learning whose fortunes are now under our consideration.

I know it may be an observation distasteful to many, though I make it with every respect—but I cannot help feeling that if we do that which is somewhat difficult, if we free ourselves for the moment from that heated political atmosphere in which we all of us move, and if we take a general glance at our conduct for the last twenty years, I say, we must observe that there has been what may be called a morbid desire on the part of the Legislature of this country to effect changes in the institutions of the country. I say, on the part of the Legislature, because I am bound to say, that I do not see that desire for change and innovation on the part of the people of this country. On a point like this there is nothing like a reference to facts. About twenty years ago, or less, there was on the part of the Legislature an assault on the estate of the Church. Then it was said that the ecclesiastical revenues of a considerable portion of the Church were not directed and devoted in the manner most advantageous to the State; there were anomalies and imperfections which ought to be removed, and an appropriation clause was proposed in this House with respect to those revenues. It was not the will of Parliament or the authority of the Sovereign that prevented that appropriation, but it was the good sense and the good feeling of the great body of the community. Twenty years have now elapsed, and I should like a question of that kind to be brought before the House of Commons at present. I have no doubt that the verdict of the House of Commons would sanction the good sense and the good feeling of the great body of the people. There is no one at the present moment but recognises that that was a proposition on the part of the Legislature of a revolutionary character, which was not justified by circumstances, and which futurity has not sealed with its approbation. Well, Sir, there is another great question in which I see the same morbid desire evinced by the Legislature to deal with the institutions of the country, which, in my opinion, is not shown by the people of the country, and that is the reconstruction of Parliament. During the last twenty years there has been no scheme, however wild or however matured, which has not been brought forward by statesmen and by Gentlemen opposite upon this subject. From the Charter down to the last scheme of the noble Lord (Lord John Russell) you have had propositions brought forward in their turn to effect great changes in one of the most important institutions of the country—the House of Commons. But I say that the morbid desire evinced by the Legislature to deal with the institutions of the country in that respect has not been shared by the people, because, certainly, with regard to Parliamentary reform, as well as with respect to the attack upon the ecclesiastical revenues, it has not been the Opposition that has prevented the measure passing, but it has been the good sense of the people of this country. In these attempted changes we have had the estate of the Church attacked, and we have had the construction of the House of Commons assailed by the Legislature. The unhallowed hand is now laid upon the ark of the Universities, and the same plea is urged on the same fallacy. And what is that plea? The plea is, that there are anomalies and imperfections that ought to be removed; the fallacy is, that in removing these anomalies and imperfections we never calculate and we never consider that much greater injury is done to a country like the present by outraging the principle of Prescription upon which our institutions depend than by removing a few anomalies and imperfections.

I have had occasion to say before, and I am not ashamed to say it now, that this country is ruled by traditionary influences. You may have a stronger Government than you have at present, by getting rid of these traditionary influences—you may have a standing army—you may have a logical, inexorable, and vigorous system of centralised administration—you may have State education or secular education; you may have a stronger Government, but you will have a weaker people. And, Sir, among these traditionary influences the influence of the Universities of the country has not been the least considerable. Its direct action has been great; its indirect action has been greater. If I were asked, "Would you have Oxford with its self-government, freedom, and independence, but yet with its anomalies and imperfections, or would you have the University free from those anomalies and imperfections, and under the control of the Government?" I would say, "Give me Oxford, free and independent, with all its anomalies and imperfections." But, Sir, the painful alternative is not placed before us. We have a propitious occasion at present, in which we are invited, as it were, by the Universities themselves to increase their powers—to give them an enlarged sphere of action. Why do we not take advantage of that opportunity? Why do we not come forward and say, "We will construct for you a constitution (which, indeed, under this Bill you are professing to construct) adequate to the occasion. We will leave it to this new constitution, with all its independence and freedom preserved and respected, to make all those alterations, and to effect all those changes which the course of time and the altered circumstances of the country, of the age, and of the University require?" So far you could advance with truth, with justice, and, I believe, you would advance with success. But the moment you quit that line you are degrading the University, and you are destroying one of those influences which, in the aggregate, forms one of the elements by which you govern this country. Remember what is at stake. It is the national character of the country that depends upon your respecting the institutions of the country. I know well the objection may be made, and it has been made by an hon. Gentleman opposite, that the University has had the opportunity to make the necessary changes, and that the University has been found wanting. But is that true? It is very true that in 1837 the University of Oxford acknowledged that considerable changes should be effected, and that in 1850 all the changes deemed necessary had not been accomplished. But was the task easy? It is not true that in the interval nothing was done. Much was done, but it is not an easy task for a University which had existed for 800 years to accomplish in a brief space all that is asked for and required. I have said before, you will have much to answer for if you place the Universities of this country under the control of the State. I believe that is the great point at question, and I cannot understand how Gentlemen opposite, though they may be University reformers, and though they may be extremely anxious to see great changes, especially in the University of Oxford, for reasons that may influence them—I cannot understand how they can consent to obtain such results at so costly a price as to place a University, which, of all institutions, should be independent and free, under the control and management of the State. There is one topic upon which, though I touch with reluctance, I cannot allow this night to pass entirely in silence. It is that strange appeal which has been made to the House tonight in support, as I believe, of this policy of interference in the management of the Universities of the State by the hon. Member for Stroud (Mr. Horsman). I say I believe, because I am at this moment at a loss to understand what course the hon. Gentleman is about to take. [Mr. Horsman made a remark which was indistinctly heard.] I am told that the hon. Gentleman has said at a moment I had not the pleasure of listening to him that he intends to oppose the Amendment of the hon. Member for North Lancashire, because, until he had heard the statement of Government, he had not been exactly aware what the object of that Amendment was. I am surprised that an hon. Gentleman who goes so far into futurity—

Mr. HORSMAN said, he had been misunderstood. He had not stated what the right hon. Gentleman had represented him to have said; but what he really had stated was this, that if the Bill were sent to a Select Committee and would come back to the House this year in time to pass the Legislature, he would have supported the Amendment of the hon. Member for North Lancashire; but that, as he believed, if the Amendment were carried, the Bill would be rejected for a year, he preferred giving his support to the proposition of Government.

Mr. DISRAELI: That is an objection which I have already noticed. I do not think upon the subject of the University that delay can be more fatal than upon the subject of the British Constitution. And, if we can postpone the reform of Parliament, not for a year; but for even an indefinite period, I am disposed to think we shall not incur too grave a hazard in voting for the Amendment of the hon. Member for North Lancashire and sending this Bill before a Select Committee. But the point which I wish to touch, and which I touch in this House always with great reserve, is the appeal made to the House of Commons to support a measure which I believe in itself would be ineffective for the purpose it asserts and alleges, and which I think would lead to most dangerous consequences, upon the strange and startling grounds alleged by the hon. Member for Stroud. We are told we must pass this Bill because Christianity is in danger, because we have a prospect before us of the religion in which we all believe finding a solitary refuge in the British Isles. Such is the statement of the hon. Gentleman, and such his opinion of Divine revelation, that it is a contingency more than probable, and it is a result we must arm against, he says, by the immediate institution of professors at Oxford. But, Sir, I may presume to remind the hon. Gentleman that, however highly he may think of the erudition and the philosophy of Germany, there was a period when a country not less enlightened, not less civilised, not less qualified by human accomplishment, under Divine favour, to influence the fortunes and the opinions of mankind—I must remind the hon. Gentleman that there was a time when such a country produced men who, in their genius, in their acquirements, in the brilliancy of their conception, and in the splendour of their diction, would not yield even to German professors. That country was France—a country enlightened by Voltaire and inflamed by Rousseau. That was the country where all the philosophers of Europe assembled; where they devoted themselves to the destruction of that system which the hon. Gentleman thinks now in danger—which he thinks can only be preserved by University reform. Well, the effort was successful. The greatest intellectual powers directed to a common purpose accomplished its end. There was not a church that was not closed. There was not a sacred image in that country that was not desecrated. Every holy tradition, every divine thought in the inspired literature of the Hebrew people, in whatever language it was written, was treated with contumely and contempt. You had the triumph of philosophy (I know not who were the professors of philosophy at Oxford at that moment)—the world witnessed the fatal success of that insurrectionary attempt which now appals the hon. Gentleman. Long years have passed since that catastrophe. We have all of us probably since visited that land. We have seen the churches in that country supported by no State endowment, but upheld by the sympathy of believing millions. We have seen devoted to that Christianity which the hon. Gentleman thinks in danger all the resources of art and all the divine attributes of genius, and I cannot forget that at this moment, when, after a peace of nearly half a century, England is again embarked in war—when England has entered upon a contest the fortune of which may alarm the boldest and make the most sanguine timorous, I cannot forget that the ruler of the nation to which I have referred is our most trusty, and I believe most trustworthy ally. When I remember this, I defy the efforts of the German professors; let them shut up their churches, let them tear down their sacred images, and what will happen in Germany is that which has happened before in France—the temples will be reopened, the altars will again be adorned, and the cause of truth will be upheld by an influence more powerful than University reform.

MR. BRIGHT: Sir, it is not my intention to keep the House from a division by any lengthened observations. Indeed, I think myself rather incompetent to discuss this question perfectly, inasmuch as I am one of those who belong to those classes of the population of this country who have been purposely excluded from any enjoyment of the advantages of the institution to which this Bill refers. I therefore feel that I should be, as it were, out of my depth, if I were to attempt to criticise the various clauses and the various provisions of this Bill. But what I learn from its friends and from its opponents, and from those who do not exactly know what opinion to form upon it, is just this—that it is a measure very much like others which we have lately had—a compromise; a compromise of a doubtful character, where there is something good in one clause, but where there is something which very much counteracts that which is good in a subsequent clause. There appears likewise to be a very general impression that the total effect of the Bill will very much strengthen the ecclesiastical or clerical power in the University of Oxford. Now, I am not one of those who have much faith in clerical or ecclesiastical power being strengthened for any good. I believe that the more you infuse that power into your education, the less will be the value of your education; and that the more that power is infused into your politics, the less valuable will the freedom of your country become. I am, therefore, not in favour of the Bill from any explanations I have hitherto heard with respect to that particular point; but what principally strikes me on this matter is this—that there have been two principles at work in the formation of the measure. The noble Lord the Member for London is, I believe truly, and always has been, very liberal—probably as liberal as any one in this House—upon the question of University education. If I am not much mistaken, the noble Lord has spoken and voted in former years in favour of all classes of the people being admitted to the benefits of the Universities without respect to creeds. Upon the other hand, it is equally well known that there are Members of the Government who have been greatly opposed to that principle. Indeed, I think, if I am not much mistaken, that a distinguished Member of the Cabinet—no less than the right hon. Gentleman the Chancellor of the Exchequer—upon a former occasion expressed his opinion that if a proposition were made for the admission of Dissenters, he should feel bound to vote against it. Yet I think the right hon. Gentleman indicated, to-night, that it might be worth the while of hon. Gentlemen on this side of the House to vote for this Bill, because it appeared to be a step in the direction of that proposition which he himself would afterwards feel bound to oppose. Now, I do not think that was a fair argument for the right hon. Gentleman to use. It argued great simplicity on this subject in hon. Gentlemen on this side the House; and certainly it was not exactly that kind of morality which I should have looked for from the right hon. Gentleman in debate in this place. The question, however, is this: whether, there being two opinions in the Cabinet on this question, the Cabinet is not rendered powerless for any good or compulsory measure in relation to it. I doubt whether, when a Government cannot agree upon the fundamental principle of any measure, it is the duty of that Government to propose such measure; and, therefore, I doubt whether it is for the interest of the country that this question should now be brought forward, or attempted to be settled, under their auspices. We are here, after years of discussion—for long before I was a Member of this House Motions were submitted to it for the admission of Dissenters to the Universities—again debating that question. Some of those Motions were carried. We have had a great deal of discussion upon it, too, out of doors, and many of our most eminent statesmen have been in favour of such admission. We have had protracted Commissions of Inquiry into the constitution of the Universities; and now we come, in the year 1854, under a Government supposed to have an overwhelming majority in both Houses — having dismissed every other topic to another Session—asking us to support a Bill which Oxford University reformers — I speak more particularly of Gentlemen who think as I do—doubt whether it is any reform at all, and which certainly proposes to shut out from that University one-half the population of England and Wales. When I use the term "Dissenters" I do not mean only those who are members of religious dissenting bodies—I use the term because there is not another word that I can find which expresses exactly what I mean; but I mean all that portion of the people who object to do what is now required to be done in order to obtain admission to the advantages of the Universities of Cambridge and Oxford—all who are not members of the Church of England, all who do not believe in the Thirty-nine Articles, or in certain rules and in certain canons to which I need not now refer. To me it is a source of great humiliation, and there are Gentlemen opposite who also participate in the feeling, that we should be now legislating upon institutions which we call Universities—I suppose because the term is intended to imply that they are for all—and which we call national, because they are supposed to be for the nation—yet that, apparently without feeling and compunction, we are committing the injustice of excluding expressly by Act of Parliament, and by not including them now we may exclude them for many years to come, not less than one-half of the population of England and Wales. It is very late in the day for us to be considering the propriety of such an exclusion as this; and it is this which makes me dislike this Bill altogether. The evil is, that we are invited to co-operate in a tinkering amendment of the constitution of an institution which professes to be a national institution, yet from which 5,000,000 of men, who hold my sentiments with regard to the Church of England, are excluded. Yet we are told that this institution, though a national University, is one in which we can have no sympathy or part whatever; so that, in point of fact, we are just as much excluded from that which you call national as if we were excluded from voting for Members to sit in this House, or from sitting in this House ourselves. And so we are rejected from this national institution, as though there were something in our character or position, or in our objects, which made us unworthy to participate with our fellow-citizens in the advantages of those institutions which the nation possesses. This institution, then, is still to be kept up for a sect. I do not think, however, that its success has been very marked, even with regard to that sect. I recollect that the noble Lord (Lord J. Russell), in a celebrated letter which he published, spoke language which gave great offence to many hon. Members who sat near me, and to those they represent in Ireland; and when the language of the noble Lord was protested against and blamed, it was understood that he corrected that which was the impression of what he said by charging upon persons who professed to belong to the Church of England that they were guilty of the practices which he stigmatised in phrases to which I will not further allude. But those practices arose from parties in this very University. This very University is the source of that teaching which I am not going to describe, because I should be ashamed to call in question the religious opinions or practices of any party in this House, and of those practices which a very large class of persons in this country condemn. I contend, therefore, that the exclusive possession of this University by the Church of England has not led to unity in the Church, nor to unity in the practice, or teaching, or preaching of its ministry. Suppose this Bill to pass, either in this Session or in the next—it being understood that it is not a real reform, that it is but a little amendment, that it disturbs somewhat and loosens some of the bricks of the old fabric, but that it does not establish anything either new or sound—what will be the position of Dissenters and of those who are excluded? Why, if it is passed in 1854, in next year, or in the year after, you will find it will be considered a great settlement of the University question. I am sure that the noble Lord the Member for London, and the persons who have probably been connected with its formation, would reply that the question had been thoroughly discussed and settled in the Session of 1854, that longer trial of it ought not to be given, and that they were unwilling to reopen the question of exclusion, as it had in some degree been settled. Thus the Dissenters would be forgotten, and if they stirred in the matter they would be told, "Oh, it is unreasonable that the Government should be embarrassed, and the Government is remarkably well disposed." This is generally said when Dissenters are asked not to press claims of this character; it has been said for the last 200 years, and it will be said for the next 200 years, when they have complained of the injustice and inconvenience which Parliament has been too ready to inflict upon them. Whether the Bill shall go into Committee to-night depends, I suppose, upon the votes of Members on this side the House. I believe, however, that if it goes to a Committee upstairs it will come before us again in a better shape—it will come before us in a shape which will not exhibit so much of that compromising spirit which mistrusts or destroys the utility of every measure of reform in which it is found. I am, therefore, not in the least afraid of sending it to a Select Committee. If delay is thereby caused, the Universities will not suffer very much from the want of the Bill this year; the public will not suffer; the Government will not suffer at all, because they are perfectly accustomed to the postponement of their measures "for another year;" neither will the Dissenters suffer, because the Bill does not intend to include them. Let it be postponed until next year by the votes of those who now wish to see Dissenters admitted, and I will undertake to say that their interests will be consulted in it at any rate more than they are at present. Dissenters are always expected to manifest very much of those inestimable qualities which are spoken of in the Epistle to the Corinthians—"To hope all things, to believe all things, and to endure all things." We are always exhorted to accept whatever Government proposes to give, although, somehow or other, it is always convenient for them not to take the slightest notice that we have claims on our own part, and upon the part of those that we represent. If the Government are unwilling to do full justice to the whole population of the country in respect to this Bill, they do not deserve the support of this side of the House. I believe, however, that there are some Members of the Government who are perfectly willing to do so, but that others are unwilling, and, the two parties not agreeing, the thing is not done. But if the Government is not competent to do that which ought to be done, they ought not to meddle with the question at all; they ought not to fill the position of a Government, but that of an Opposition. A party holding opinions which they cannot carry into effect is much better upon that (the Opposition) side of the House than upon this, because, when they bring measures in under such circumstances they disappoint their friends, they weaken their position, and they damage the question with which they have undertaken to interfere. The noble Lord has undertaken, in the most zealous manner possible, the establishment of perfect religious equality in a country 2,000 miles from England. He is putting Christians upon a par with the Mahomedans in Turkey, and helping by his measures and advice to confiscate Church property, and to bring about a state of things which would be very revolutionary and horrible if broached in this country. I do not ask him to do so much here. I do not ask him to confiscate Church property at all; I do not ask him to put us upon a level with those who belong to the Church of England; but this I do ask him, in deference to his own opinions, to make a stand in favour of some 5,000,000 or 6,000,000 of persons in England and Wales to whom this Bill is a Bill of exclusion, to insist that it should come before the House in a shape that is just towards the whole population, and stand upon the decision of the House upon it. Such a measure, if brought before the House of Commons, would pass by a considerable majority. It would be for the noble Lord to consider, therefore, what he would do if the Bill was rejected in another place; but with respect to us, the House of Commons, representing the people of England, having no special or personal interest, as the majority of us have not, in this great exclusion, it is not right in the noble Lord to propose to us, and, now he has proposed it, it is not right in us to support a measure, which shall continue for ten or twenty years longer an exclusion which I believe is injurious to the Universities, injurious to the Established Church, and insulting in the highest degree to one-half the population in England and Wales. You do not exclude us when you send your tax-gatherers round, or when you ask for the performance of the duties of citizenship; you do not exclude us from the statistical tables of your population, of your industry, of your wealth, or of your renown. You take all your population in and say, "This is a great, an united people, which are called the British people;" and you declare in your speeches and perorations that you are proud to rule over such a nation. But, when you come to the question of education in the institutions which you call national Universities, then you, the House of Commons, and you, the Liberal Conservative, or the Conservative and Liberal Administration—you who occupy the offices from which you ignominiously ejected your predecessors—you, who say there are no men to come after you—you ask us to accept a Bill of this pusillanimous and tinkering character, insulting, as I have already described it, to one-half the population of the country.

Mr. VERNON SMITH said, the hon. Member for Manchester, who had just resumed his seat, had put the question before the House upon a false issue. He seemed to consider that the reference of this measure to a Select Committee would have the effect of admitting the Dissenters to the Universities; were such to be the effect, he (Mr. V. Smith) would readily and heartily support the proposition, for he had always advocated the right of Dissenters to be admitted to the Universities; but the proposed reference to a Select Committee would effect no such object. The only result of such a reference would be to throw the Bill itself over for the present Session, and thus materially to damage the cause of education, without at all aiding the just views of the Dissenters with respect to their own particular claims. In the year 1834, he (Mr. V. Smith) voted in favour of Mr. G. W. Wood's Bill for admitting Dissenters, and it was carried, but rejected by the Lords. He had not changed his opinions since, and never should, because he believed that the Universities would never be complete until they were opened to all sects. But he would not, for this reason, vote for the Motion of the hon. Member for North Lancashire (Mr. Heywood); for what could the Dissenters possibly gain by being referred to a Committee up-stairs? It was in the House that their cause must be fought; it was in the House that liberal opinions would prevail; and through the House that Dissenters must secure admission to the Universities. Nothing could be gained by an inquiry before a Committee. For these reasons he should vote against the proposition of the hon. Member. It was highly desirable, no doubt, that the measure itself should be amended—that it should introduce the principle of more lay professorships at our Universities, so as not to leave the education of youth there so entirely in the hands of the clergy, who, however estimable in their personal characters, and however classically learned, were notoriously unfitted, from their own ignorance of the world and of business, for training youth to encounter the struggles of the world in its business paths. Another defect was the enormous expenses which young men belonging to the University were allowed to incur. This was a fruitful source of evil and immorality, which he hoped would be provided against. The next omission was the greatest of all, namely, that it was not proposed to open the Universities to all sects. They were still to be confined to members of the Church of England, and to those who subscribed the Thirty-nine Articles. Although he lamented these defects, he was not prepared to concur with the hon.

Member for Manchester (Mr. Bright) in his recommendation that they should reject by a side-wind that which they were not prepared openly and manfully to overthrow. He, therefore, asked the House, and particularly the Dissenting body, not to resort to such a subterfuge. To send it to a Select Committee would confer no advantage upon them, whilst it would expose them to the obloquy of wishing to defeat a measure that conferred advantages upon the education of the Church of England, without diminishing any which they possessed, from the selfish principle that they did not approve of it because they were not included in it.

Mr. BLACKETT said, he should reluctantly vote for the proposition of the hon. Member for North Lancashire, because he could not undervalue the zeal with which the Government had grappled with this question. But the more he considered the Bill, the more was he convinced that the House was not in a position, at present, to appreciate the probable result of its effects upon the University of Oxford. A Select Committee was far more capable of considering this question. It had been said that a Select Committee was unnecessary, because they already had the Report of the Commissioners before them. He admitted the value of that Report; but he must observe, that the Bill was a direct departure from the Commissioners' recommendations. On every one of the three points stated by the right hon. Gentleman (Mr. V. Smith), the Government had departed from the recommendations of the Royal Commissioners. The Report proposed some enactment with regard to the expenses in the University; the Bill did not contain a single line to that effect. The Report proposed, in the interests of the Church of England, to abolish the subscription test; the Bill said nothing upon that subject. The Report proposed to create a large professorial staff; but the Bill contained no provision to that effect. In point of fact, the Bill was founded, not upon the Report of the Royal Commissioners, but upon the Report of the Tutors' Association, and it fairly reflected its inspiration. It was worthy of remark that the body of Oxford tutors, taken in the main, were entirely averse to two points which found favour with the Liberal party in that House. The first was, the encouragement to be given to the modern sciences in comparison with the classics and theology; and the second was, that on which the main interest of the present debate had turned—the admission of Dissenters, and the identification of the Church of England with the University of Oxford, which the Liberal party were determined ultimately to break down. No wonder, therefore, that these Gentlemen should be gratified by the proposal of the Government. The right hon. Gentleman the Chancellor of the Exchequer had asked what they were to get by going before a Select Committee? He would reply, that a Select Committee was more capable of examining the effects of the intricate clauses of this measure than a Committee of the whole House, and it would introduce provisions satisfactory to the Liberal party. For these reasons he should vote for the proposition of the hon. Member for North Lancashire.

Mr. W. J. FOX said, he merely rose to protest against the division on the Amendment being regarded as a division on the question of the right of the entire people of this country to the advantages which might be afforded by the University. He went as far as any one of the hon. Members who had spoken in asserting that those institutions, which were now devoted to the support of a spiritual monopoly, belonged to the entire nation. They were originally meant for the national benefit; and if at one time the nation held but one faith and had but one mode of worship, when it came to have many forms of faith and many modes of worship, Parliament was bound to apply the revenues of the University for the benefit of the people. Various motives appeared to combine those who supported the Amendment. Some hon. Members intended by means of it to throw out the Bill, others to shelve the Bill, others to postpone it indefinitely; some supported it because the Bill was too liberal, others because it was not liberal enough. It did not seem to him a straightforward course to support the Amendment on the question of the admission of Dissenters. Whatever alterations might be desired, there would be ample time for discussing them in Committee. As to the question of the admission of Dissenters, a formal notice had been given, and when it was introduced there would, he trusted, be a fair and honourable conflict. He thought that if these great endowments, which might do so much for the mind of this country, were thrown open at once to persons of all religious creeds, it would be greatly for the advantage of the University as a University, and of the Church as a Church. He hoped to see subscription on entrance entirely abolished. He did not regard the question simply as a dissenting question; it affected the moral influence of the whole course of instruction—and if there were not a Dissenter in the country, the subscription ought not to be maintained. If he saw any probability that good would arise from the labours of a Select Committee, he should cheerfully vote for the Amendment; but as he thought nothing but procrastination and confusion was likely to arise from it, he should vote for the original Motion.

THE CHANCELLOR OF THE EXCHEQUER: I beg to say a few words of explanation with regard to some remarks which I understand have fallen from the hon. Member for Manchester (Mr. Bright) during my absence from the House. I understood the hon. Member to have stated that I had declared myself opposed to the admission of Dissenters, and likewise that I had recommended Gentlemen to vote against the Motion because the Bill was likely to promote the admission of Dissenters. Sir, I did not declare myself opposed to the admission of Dissenters, nor, on the other hand, did I recommend Gentlemen to vote for the Bill because it would be likely to lead to the admission of Dissenters. On the contrary, I said, in as plain words as I could use, that I wished to reserve myself entirely as to all declarations of opinion upon that subject till we were in Committee; and I am exceedingly sorry that those words did not find their way to the ears of the hon. Member for Manchester.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 172; Noes 90: Majority 82.

MR. HENLEY then rose to move that the Committee on the Bill should be postponed for a week. He was, he confessed, somewhat taken by surprise by the announcement that it was intended to take the Committee at such an early day. Through the courtesy of the right hon. Gentleman opposite he himself had last week received a copy of the amended Bill; but he understood that it was only that morning that the Bill had come into the hands of hon. Gentlemen generally. He found that there were at least fifty alterations in the new Bill. [The SOLICITOR GENERAL dissented.] The hon. and learned Gentleman shook his head at that statement; but still he would maintain that, taking the verbal and important alterations together, they would be found to amount to no less than he had just stated. Indeed, he believed there were not two clauses in the Bill, the wording of which had not been changed. He found also that four clauses were added, and one struck out, so that there were so many material alterations in the Bill, that it was quite unfair to ask the House to go into Committee without an opportunity being afforded of considering it in its altered shape. He was quite sure that the Government would gain time ultimately by consenting to postponement; and as he understood the Railway Bill was to come off on Monday, he hoped they would consent to his very reasonable proposal, and delay the Committee until Friday next.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman did not seem to be perfectly accurate in his observations. The right hon. Gentleman appeared to have counted the amendments which had been made, but he must be aware that the great bulk of them were amendments of expression and arrangement only, and that not one of them in any way touched a vital principle of the Bill. He was entirely at a loss to explain why the Bill was not circulated among the Members until this morning; he could only say that, as far as the Government was concerned, they did not allow themselves to enter on the vacation until the Bill had passed through the press, and it was not until Wednesday that they were enabled to send copies of the amended Bill to such Members as had taken a more than ordinary interest in the question of University reform. Of course, it was for the House to decide whether they should at once go on with the Bill or not; for himself, however, he could not agree to the proposition of the right hon. Gentleman, and for this reason—that more than one moiety of the Bill, that was to say, very nearly thirty out of fifty clauses, and which occupied all the first portion of it, were clauses relating to the constitution of the University, and one or two other matters in regard to which the Amendments were merely of a verbal character. The first moiety being thus substantially in the same form in which it was printed near some six weeks ago, and the progress of the Committee not being likely to be very rapid, the House, he hoped, would feel disposed to employ its time by entering on the discussion of the clauses which had been already sufficiently before the country; but if they came to any other matter, for the proper discussion of which further consideration was necessary, such portion of the Bill could be postponed. He was afraid that to press the Motion would be a great loss of time, and would serve no useful purpose whatever.

Sir JOHN PAKINGTON said, he must express his surprise that the right hon. Gentleman the Chancellor of the Exchequer should hesitate for a moment in acceding to the reasonable request of his right hon. Friend (Mr. Henley). When the Bill was first brought in he had expressed his view of the impossibility of proceeding with it that day on grounds different from those stated by the right hon. Gentleman. A very great number of important changes had been made in it—the omission of some clauses, and the insertion of others. That, however, did not constitute his main reason for supporting the Motion of his right hon. Friend. Those on his (Sir J. Pakington's) side of the House had consented to the second reading of the Bill, on condition that the details should be fully discussed in Committee; but the Bill had been committed only the night before the recess, and now it was fixed for Committee on the day of re-assembling. What power, he would ask, had Gentlemen dispersed all over the country of explanation or consultation on the course to be pursued with respect to it? The Bill had no doubt been sent to a limited number of Gentlemen, of whom he was one, a few days ago; but it was only that morning it was placed in the hands of the Members generally, and on that day's paper he found three pages of Amendments to be moved by his hon. Friend the Member for the University (Sir W. Heathcote) none of which he had time to consider. There were also other Amendments, some of which were not printed. Under these circumstances he thought it would be impossible to ask the House to proceed with the Bill, and he hoped the noble Lord would consent to its postponement.

Lord JOHN RUSSELL said, he could not see why the Bill should not be proceeded with. The same objection that had been made to taking it on the re-assembling of the House would apply to any other Bill. It amounted to this, that the House was not to be called upon to do any business of importance immediately after the holidays. He was quite ready not to go into the new clauses that night; but he could not relinquish the opportunity of proposing that the Bill should go into Committee for the purpose of reporting progress, and going on with it the next day.

Mr. NEWDEGATE said, he was not one of those who had been favoured with a copy of the Bill, though he had done all in his power to obtain one. He had come up to London on Saturday, and he had sent on Monday for the purpose of getting a copy, but he had failed; and it was only that morning he had received one with a whole sheet of amendments. If the House was to have an opportunity of considering these Amendments the noble Lord should give them time. To persist in putting the Bill into Committee was virtually to preclude independent Members from discussing its provisions, by preventing them from having an opportunity of understanding its character, and the nature of the Amendments proposed in it.

Mr. WIGRAM said, he thought there was a fair case to ask postponement at the hands of the Government. It was understood that the Government intended to alter the Bill, and he could state that several Members had postponed Amendments until they had seen those alterations. It was, therefore, impossible for them to go on; and a postponement even until next day would be an advantage.

Sir HENRY WILLOUGHBY said, he thought the argument of the hon. and learned Member (Mr. Wigram) irresistible. It was impossible for hon. Members to make themselves acquainted with this Bill in a few minutes; he believed there was yet a further amended Bill in the Vote Office.

Mr. DISRAELI said, there was a fallacy in the remark of the noble Lord (Lord J. Russell), that the argument of the right hon. Baronet the Member for Droitwich (Sir J. Pakington) would always require the first day of their meetiug after the recess to be a *dies non.* What he and his Friend complained of was, not that they should be asked to go into Committee on the first day after the holidays, but that the Bill should have been committed *pro formâ* on the last day before the holidays. If that step had been taken at such a time as would have afforded them an opportunity of fully considering the amendments which were proposed to be introduced they would not have objected now to the proposal to go into Committee on the first day after the recess, and what they said was that they should not have been placed in the position of not having had an opportunity either of considering the Amendments of the Government or of framing and announcing their own. There was another important consideration which he hoped the noble Lord would bear in mind. By giving them the time asked for for considering the Bill as amended, the noble Lord would lose only one day in conducting the business of the House, because the whole of Monday evening would no doubt be occupied by the Railway Bill. The House would thus gain a week to deliberate on the Amendments to be brought forward, and the Government would only lose a day by giving that advantage to the House. There were four pages of Amendments on the paper before them, and the right hon. Member for Midhurst (Mr. Walpole) had a variety of other Amendments, which, if carried, would change the whole character and scope of the measure, and which would probably occupy two pages more in the paper to-morrow. The House he was sure would not wish to go into Committee, with an indigestion of Amendments, and he thought the noble Lord would agree, that, especially in Bills of this importance, the public business should be conducted in a manner generally satisfactory to hon. Members.

Main Question put,

The House *divided*:—Ayes 160; Noes 101; Majority 59.

House in Committee.

Mr. WALPOLE said, it was very desirable that the Amendments on a Bill so important in its details as this should be put upon the Votes, that Members might know what the character of those Amendments were. No Gentleman could tell the effect of the Bill unless he carefully watched not only the clause, but the intended alterations to be proposed. He had lost no time in sketching out the Amendments which he thought should be proposed, but he had had no opportunity of consulting his Friends upon them. He ventured to ask the noble Lord and the Government, since the advantage of progress had been obtained, to consent to postpone the consideration of the Bill for a few days, that all the alterations might be put upon the paper.

Lord JOHN RUSSELL said, he really could not understand why the right hon. Gentleman could not have consulted his Friends on the various Amendments, not a few days ago, but a few weeks ago, because the Bill, in all its essential propositions, had been six or seven weeks in the hands of Members. He could not consent to postpone it beyond to-morrow evening, and he did not think, if they then went into Committee on the Amendments, they would be going at all too fast. With regard to the loss of time to which the right hon. Gentleman (Mr. Disraeli) had referred, he could assure him it was a matter of very great importance, because other business was fixed for other days which Government intended to bring on. He reckoned, therefore. the loss of time from a further postponement at not less than ten days or a fortnight, and he knew that hon. Members would not fail to tell the Government at the end of the Session that they had lost time by postponements—that it was not a valid measure because they had postponed it. He had no doubt he should hear that, just in the same way as he had heard it on similar occasions.

Sir JOHN PAKINGTON said, the noble Lord had certainly, though unintentionally, not given a correct version of the facts. The Bill was read a second time this day three weeks, and it was not usual to frame Amendments before a second reading had shown what the reception of a measure would be. They had lost no time in preparing Amendments, and at that moment he had not seen the Amendments drawn up by the right hon. Member for Midhurst. He hoped the noble Lord would not take a large party by surprise, but consent to a postponement, which fairness required.

Mr. HORSMAN said, he thought in the end they would lose a great deal of time in not having all the Amendments before them, because it was important they should know not only the Amendments proposed by the Government, but what Amendments were to be proposed on the other side. He had prepared some Amendments himself, but during the vacation his Friends were dispersed, and he had been unable until to-day to consult them. Anxious as he was not to delay this measure, he thought the proposal to delay it for one day only was a reasonable proposal.

Mr. WALPOLE said, he must repeat that he had lost no time in preparing his Amendments, but from the absence of his Friends, he had been unable to submit those Amendments to their consideration.

Lord JOHN RUSSELL: Does the

right hon. Gentleman object to Monday, as, very likely, the Railway Bill will not come on upon that day?

Mr. DISRAELI: We should like to have a longer period, but what is so graciously offered is accepted in the same spirit.

Committee report progress, to sit again on *Monday* next.

The House adjourned at a quarter after Eleven o'Clock.

HOUSE OF LORDS,

Friday, April 28, 1854.

Their Lordships met; and having transacted the business on the paper,

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 28, 1854.

Minutes.] Public Bill.—1° Corrupt Practices at Elections.

THE WAR WITH RUSSIA—TRANSPORT OF TROOPS—QUESTION.

Sir JOHN WALSH said, he wished to ask the right hon. Baronet the First Lord of the Admiralty whether, considering that the combined action of infantry, cavalry, and artillery was essential in modern warfare, and that the period required for the transport of the two latter arms was the measure of time of all effective military operations, Her Majesty's Government were prepared to adopt any plan by which steam power might be generally applied to the conveyance by sea of these two branches of the service?

Sir JAMES GRAHAM: Sir, I think my best course in answering the question put to me by the hon. Baronet will be to state to the House what has been accomplished since the 8th of February by the means, such as they are, at the disposal of Her Majesty's Government. We have sent to Turkey since the 8th of February 830 officers, 21,119 men, and 2,259 horses. We have sent in addition to this force 2,300 tons of provisions and commissariat stores, and also 8,300 tons of Ordnance stores. For this purpose we have employed ninety-three transports, twenty-seven steamers, and seventy-six sailing vessels. Seventy of these sailing vessels were used for the transport of horses. Now, considering the distance which this force has been moved, the short time that I have already mentioned within which this work has been performed, and the number both of horses and men conveyed, I am confident that at no former period in the history of this country has such an operation been executed in so short a space.

Sir JOHN WALSH said, he hoped the right hon. Baronet would pardon him, but if he had correctly understood the purport of his answer, it did not exactly meet the particular nature of the question that he had put. His question was whether there was any intention on the part of the Government to augment the amount of steam power to be employed for the conveyance of cavalry and artillery. In his more general answer he did not understand the right hon. Gentleman to give an answer to that particular point.

Sir JAMES GRAHAM: The question has been discussed several times whether steamers are applicable for the conveyance of cavalry; and the Board of Admiralty has come to the conclusion that steam is not generally applicable to such conveyance.

ROMAN CATHOLICS IN THE NAVY—QUESTION.

Mr. D. O'CONNELL said, he begged to ask the right hon. Baronet the First Lord of the Admiralty if Roman Catholics serving in the Black Sea fleet, or in the Baltic, or on board any of Her Majesty's ships at present in commission, were compelled to attend Protestant Divine service, when read on board, either by a chaplain, naval instructor, or other officer; and, if such were the case, whether the practice of compelling them would be allowed to continue, when Roman Catholic soldiers were not in any case compelled to attend Protestant service; also, whether the Admiralty would consider of allowing Roman Catholics on such occasions to assemble on the forecastle apart from the rest of the ship's company, under charge of a warrant or petty officer of their own communion?

Sir JAMES GRAHAM: Sir, on a former occasion this subject was brought under the notice of the House on a Motion by the hon. Member for the county of Meath (Mr. Lucas); and on that occasion I stated fully to the House what had been done, what it was intended to do, and what can be done under the existing law in respect to the question now put to me by the hon. Gentleman. But, considering the matter to be one of some importance, I will first state to the House what the law with regard to this subject really is. The naval articles of war rest upon a Statute passed in the reign of George II., and this question of Divine worship on board ship was regulated by that Statute, and the clause relating to it I will, with the permission of the House, now read. The clause was to this effect:—

> "All commanders, captains, and officers, in or belonging to any of His Majesty's ships or vessels of war shall cause the public worship of Almighty God, according to the Liturgy of the Church of England, established by law, to be solemnly, orderly, and reverently performed in their respective ships; and shall take care that prayers and preaching by the chaplains in holy orders of the respective ships be performed diligently, and that the Lord's day be observed according to law."

That Statute has existed about 100 years. During the whole of that time the utmost research among the Admiralty archives has not shown me a single instance of any complaint on the part of any Roman Catholic officers or sailors in respect to the manner in which that Act of Parliament has been carried out. More than that, there has at no time been any distinction of creed with respect to the admission of sailors to Her Majesty's ships. It is not known, when the sailors enlist, of what religion they are. As the Act to which I have referred is carried out under regulations, I will, with the leave of the House, read also the regulations with regard to the celebration of Divine worship. The regulation provided that,—

> "In every ship in which there is a chaplain, the captain is to be particularly careful that the attention and respect due to his sacred office be shown him by all the officers and men, and that Divine service be performed, and a sermon preached every Sunday, if the duties of the ship or the state of the weather do not absolutely prevent it, at which he and such of the officers and ship's company as are not required to be absent on ship's duty are to be permitted to attend; and he is not to employ the ship's company on Sundays in any other works than those in which the public service shall absolutely require. He is to discountenance and suppress all profane cursing and swearing, all drunkenness, gaming, rioting, and quarrelling, all dissolute and disorderly practices; and, in general, everything tending to the disparagement of religion, or to the promotion of vice and immorality."

Now, the House will observe that the words in this regulation are, "to be permitted to attend," and not compelled. I have now read to the House the enactment of the Statute of George II., and likewise the regulations of the same subject. I have stated to the House that for an uninterrupted century, under this Act of Parliament, and regulations in conformity with its provisions, no complaints have, as I have just stated, ever been made. On a former occasion I did take the liberty of stating to the House that I would not incur the responsibility of proposing any change whatever either in the law or the regulations. I stated also, with reference to Divine worship according to the Roman Catholic form in harbour, that it was the desire of the Admiralty to afford additional facilities for the members of the Roman Catholic Church to attend the religious services of that church in respect to ships in harbour. With regard also to some further facilities for the attendance of Roman Catholic chaplains on patients and dying persons in hospitals, I am now in communication with some of the heads of the Roman Catholic Church on that subject; but I should deceive the hon. Gentleman and this House if I held out the least expectation that it would be possible to appoint Roman Catholic chaplains to any ship in Her Majesty's service. Having said thus much, I need hardly say, that there is a particular objection to the course which the hon. Gentleman recommends. When Divine worship takes place on the part of the crew generally in Her Majesty's ships, the utmost solemnity is observed during its performance; and I think it would have the worst possible effect if the Roman Catholic sailors were to be separated from their comrades, and sent to congregate in a different part of the ship. It would be the first time that any such difference in the worship of the crews on board of Her Majesty's ships had been attempted to be established, and there is no suggestion that I would be less willing to comply with than this.

THE WAR WITH RUSSIA—

OPERATIONS IN THE BLACK SEA—QUESTION.

LORD DUDLEY STUART said, I wish to ask the right hon. Baronet the First Lord of the Admiralty whether it be true, as stated repeatedly in the public papers, that subsequently to its having been notified to the Russian Government that the English and French fleets had received orders to enter the Black Sea, and to require, and, if necessary, to compel, every Russian ship they might meet with to re-enter a Russian port; and, notwithstanding that notification, that Russian ships of war have crossed the Black Sea, and have removed a considerable number of Russian troops from the coast of Circassia to the Crimea, without experiencing any impediment whatever in the performance of that important operation from any of the ships of the allied fleets?

Sir JAMES GRAHAM: I am not aware, Sir, of any occurrence in the Black Sea to which the question put by the noble Lord can refer, excepting a particular occurrence, which took place, I think, on the 16th of March, when the British steamer *Sampson*, in company with a French war steamer, reconnoitred the coast of Circassia. On that occasion they found five small Russian steamers, which had been employed as packets—and not strictly as ships of war—aiding in the destruction of a number of Russian forts on the Circassian coast. They also fell in, about the same time, with a transport that was conveying from these Russian forts, so evacuated, a small number of Russian troops. The steamers were close in shore, in waters belonging to the Russian dominion. The transport they overhauled. It was on its way from the coast of Circassia to Sebastopol. The officers commanding the Russian troops—I am not quite certain of this fact, but I have reason to believe it—these officers tendered their swords, and offered to surrender to Captain Jones. Captain Jones, at that time, in obedience to his orders, refused to accept their swords, ascertaining that they were about to proceed to Sebastopol; and, in conformity to his orders, he came to the conclusion—which I am quite prepared to contend, under his orders, was a right conclusion—that it was not open to him to interrupt the passage of a Russian transport from the coast of Circassia—a Russian coast—to a port in the Crimea. The instructions under which Captain Jones was acting were the instructions which have been laid upon the table of this House, as contained in a despatch from the Earl of Clarendon to Lord Stratford de Redcliffe. The Admiral was at that time acting under orders, conveyed through the Ambassador, from the Government of this country; and those orders I will, with the permission of the House, recall to its recollection. The despatch sent by Lord Clarendon to Lord Stratford, and dated Dec. 27, 1853, said:—

> "In my despatch I stated that it was only by obtaining the complete command of the Black Sea that the policy of the English and French Governments could be effectually carried out, and the recurrence of disasters such as that at Sinope be prevented. But in order to exercise that command to the fullest and most beneficial extent, we have agreed with the French Government that the Russian naval commander should, in appropriate but unmistakeable terms, be informed that the Governments of England and France are resolved to prevent the recurrence of another such event as that at Sinope; that every Russian ship of war will henceforth be required to return to Sebastopol, or the most neighbouring port; and that all aggression against the Ottoman territory, or flag, would impose upon the Admirals the painful necessity of repelling force by force."

The instructions issued by Admiral Dundas to Captain Jones, following these orders conveyed through our Ambassador, were exactly identical in all respects with the instructions issued by Admiral Hamelin to the commander of the French war steamer; and the instructions given by both the English and the French Admirals were in strict conformity with the orders which I have just read. The House will observe that, so far from this being an aggression upon Turkish territory, it was only the destruction and abandonment of Russian forts by Russian officers, under the apprehension of war, and on the evacuation of those forts, a removal of troops to Sebastopol. I certainly shall not have the least objection—in fact, it will be the most satisfactory course—to lay upon the table the instructions given by Admiral Dundas, and the report of Captain Jones, the officer employed, when the House will observe that the account of the transactions given by our own officers, to whom I should suppose credit will be given for furnishing an accurate statement of the facts of the case, is quite at variance with the Russian account.

THE WAR WITH RUSSIA—
AUSTRIAN OCCUPATION OF SERVIA—
QUESTION.

Lord DUDLEY STUART said, he begged, pursuant to notice, to ask the noble Lord (Lord J. Russell) whether the Porte and the Government of Servia have consented that the territory of Servia shall be occupied by Austrian troops?

Lord JOHN RUSSELL: In the first place, Sir, Servia is not occupied by Austrian troops, nor has any arrangement been made for so occupying it. I should state, in the next place, that Austria has declared that, without the consent of the Porte, she is not justified in occupying the territory of Servia, except in one or two cases—either the entering of Russian troops into Servia, or a general insurrection in Servia.

THE WAR WITH RUSSIA—
THE TROOPS AT GALLIPOLI—QUESTION.

MR. DIGBY SEYMOUR said, he begged to ask the right hon. the Secretary at War whether his attention had been called to the statements contained in a letter published in the *Times* newspaper of 26th April, purporting to come from their own correspondent at Gallipoli, under date of 10th April instant, respecting the provision made for the reception of the British troops at Gallipoli? And, whether he can give any explanation with reference to the accuracy of these statements; and whether any steps had been taken by Her Majesty's Government to prepare for the reception of the British troops at Gallipoli, and, if so, what those steps were?

MR. SIDNEY HERBERT: Sir, in answering the questions which the hon. Gentleman has put to me, I hope the House will allow me to enter into some details, in order to explain the exact facts of the case. The statement referred to by the hon. Member has been made upon the authority of a correspondent of a daily newspaper. That statement amounts to this—that no sufficient staff of Commissariat officers had been sent to Turkey, to prepare for the arrival of the troops; that no medical stores or medical staff were sent out, in order to meet the case of any sickness arising amongst them; that no proper quarters were selected for them, and that the result is that they have not obtained proper quarters; that the position in which they are placed is one which, on military grounds, was improper to be so taken; and lastly, that it was lightly taken up, no more consideration being given to the ground than a visit of ten minutes, on the part of Sir John Burgoyne, could enable him to give. With regard to the first part of the question, I will state to the House what course the Government took previous to the commencement of hostilities. So far back as the 17th of February last, orders were sent to Assistant Commissary-General Smith, then in the Ionian Islands, who was selected for the service on account of his intelligence and capacity, to proceed to Constantinople in the first packet, taking with him as many subordinates and as many persons versed in the language of the country to which he was going as he might deem proper. The Assistant Commissary-General left the Ionian Islands and proceeded to Turkey, and during the whole of the month of March we received constant reports of the measures he was taking from the time of his arrival in Constantinople. What the exact number of persons with him was I am not able now to state; but I have been looking over his letters, and I find the names of several persons mentioned by him as at one time having been sent to the Dardanelles, at another time having been sent to Gallipoli, at another time having been sent to Scutari, at another having been kept at Constantinople, when he proceeded to those other places himself. He also mentioned the great assistance he had derived from the knowledge of the Greek, and Turkish, and Lingua Franca languages, on the part of those who accompanied him, and he mentioned the kindness and readiness of Lord Stratford, who put at his disposal a dragoman of the embassy. Therefore the charges that no sufficient staff of Commissariat officers was sent out, that none of the persons employed were capable of speaking a language intelligible to such of the residents in the country as they had transactions with, and that no interpreter was engaged, were founded on very inaccurate information. With respect to the medical stores, there was sent out with every regiment an ample supply capable of lasting some time, in addition to the general stock sent out for the different regiments; and there was a sufficient supply at least for a long period. I am unable to state what are the facts of the case with regard to the landing of these medical stores, for I have not yet received information; but I apprehend it will be found that their wants have been fully and carefully attended to in this respect. It may be thought that it was a very easy matter to make the arrangements that have been made for the reception of the troops; but I find in a letter of Assistant Commissary-General Smith the following passage, which I shall, with the permission of the House, read, as it will throw some light on this subject. He says, writing upon the 19th of March:—

> "The difficulties of such an undertaking need not be enlarged upon. An estimate of them may be formed, to a certain extent, from historical accounts; but its realisation can only be felt after practical observation, such as I have had. The intricacies and delays of intercourse with the numerous persons who must be consulted, the diversity of language, the peculiar customs and prejudices of the people, and the unprecedented fluctuations of the markets, are a few of the causes which render operations in this country more difficult than, perhaps, in any other in the world."

And I find in a letter from Commissary-General Filder, dated Malta, April 13th, the following statement:—

> "The Admiral Superintendent at the same time ordered that all the steam transports conveying troops from Malta to Gallipoli should be filled up with provisions, with directions that the residue unconsumed, on the termination of the voyage, should be delivered into the commissariat stores. These measures, together with the satisfactory nature of the reports which I have received from Assistant Commissary-General Smith, at Constantinople, relieve me from any present anxiety as to the supply of the Army, on its arrival in Turkey."

This statement, with the accounts received from Assistant Commissary-General Smith, relieve me from any anxiety as to the supply of the Army on its arrival in Turkey. I find that, thanks to the energy of Assistant Commissary-General Smith, the most willing and zealous assistance has been rendered by the Turkish Government. On his arrival he applied to the Turkish Government to appoint some officer to communicate with him, and assist him in the necessary preparations, and when he found for some reason, the service did not progress, he suggested, and his suggestion was adopted, that a commission of Turkish officers should be appointed to aid him in making the necessary preparations; and, making allowance, as every one must, for that slowness with which native officials in that country move, nothing could exceed the willingness, the zeal, and the good feeling with which he was assisted by these Turkish officers. As to the question of the badness of the quarters, is that so clearly decided by the evidence of this correspondent? It is stated by him that the quarters are situated in what is called the Greek quarter—that the population hate the troops, and regard them as foes quartered on them by force of arms; but it has been shown, by the statements of officers, that they prefer that quarter, and find nothing but the greatest civility on the part of the inhabitants. Further than that, it is admitted, in the statement of the correspondent, that it is the healthiest quarter, and I apprehend that in the selection of quarters, no consideration should weigh so much as their sanitary situation, and what is best for the troops in that respect. It is impossible, however, for me to answer in detail all those accusations in newspapers in reference to this question. We must recollect what is the nature of the duties of the correspondent for a newspaper here in London. I apprehend that the business of a correspondent of a newspaper is to do that which, I must say, they do with singular skill and success, to give graphic pictures of everything that is done, thought, and said, and to convey to the people of England a general impression of the scene of operations; but it is not his business to sift reports, to ascertain whether every rumour is well founded, when he is engaged in presenting amusing pictures to the readers of a newspaper. No doubt, he made the statement with the conviction that what he stated was true; but in giving a description of the military state of Gallipoli he differs not only from Sir John Burgoyne, but from the French engineers. But he adds:—

> "It is no wonder that the ground was not well selected, if it be true, as generally said, that Sir John Burgoyne spent ten minutes in making an examination of it."

Perhaps the House would permit me to read a passage from a note from Sir John Burgoyne on the subject, in which he says, after speaking of the absurd report of the correspondent at Gallipoli:—

> "I can excuse his criticisms on the position there recommended by me, but it is somewhat unreasonable to state that 'it is understood that Sir John Burgoyne was only occupied ten minutes in examining it,' whereas I had four hard days' work, of six or seven hours each day, examining the Isthmus, of which three of the days were in the neighbourhood of this position: besides which I had the reports of four officers of my own and two French, who had been a week in the village on the spot working at it. If there was any error (which I deny), it was at least not for want of a thorough investigation."

I read that passage from the letter of Sir John Burgoyne, not for the purpose of defending him from accusation—for I am convinced that any person acquainted with Sir John Burgoyne must know that the statement that he had decided on a great military question of the first importance, on which depends the safety of a large force of men, in a cursory examination of ten minutes, is one that carries with it its own refutation; but I have read the passage to the House to enable it to test other statements by the accuracy of this statement. It is quite impossible for the Government to be prepared to contradict every statement of this description. It is the accident of Sir John Burgoyne being in England that enables me to answer so fully that particular statement. I trust Gentlemen will recollect that when reading accounts of this kind they are not to be received as accurate despatches, or reports founded upon examination, and professing only to give accurate statements. Those officers of the Commissariat have been engaged for some time in an arduous and difficult duty. They are officers on whom the safety and existence of an army mainly depend; at the same time, their duties are not of a nature that leads to great distinction and renown; but on that very ground we ought to be more careful in passing censure upon them. I have answered to the best of my ability the questions which the hon. Gentleman has put to me, and I trust the House will feel that, so far as we have evidence in our hands, there is no reason to think that the officers of the Commissariat, or any other officers in Her Majesty's service, have neglected their important duties.

THE GREEK INSURRECTION—QUESTION.

MR. COBDEN said, that previous to putting the question of which he had given notice, he would beg to remind the House that some Reports had been received from their Consular Agents in Turkey, dated in June last, referring to the state of the Christian population in Turkey. Those Reports led them to expect disturbances amongst that population; those disturbances had taken place, and part of the Turkish empire bordering upon the kingdom of Greece was at the present time in a state of insurrection. He consequently thought that these were grounds for questioning the noble Lord the Member for the City of London on the subject, for had they not reason to know that their diplomacy and their ships of war were mixed up in those disturbances? He perceived that an English captain—Captain Peel, he believed—had landed from his ship at Prevesa, and had had something to do with these disturbances, and Lord Stratford had also interfered in those troubles. He read last month that that noble Lord had sent Mr. Blount into Thessaly, and that he visited part of the disturbed districts. In fact, he was the Governor of those districts whilst he was there, for both Christians and Turks fled to him for protection against those irregular troops the Bashi-Bazouks, who seemed to be a brutal force, and to be committing unheard-of atrocities among the population. In alluding to the relations of this country with the kingdom of Greece, or rather with the Court of Athens, the noble Lord, on the last night before the recess, spoke in emphatic and unmeasured language, and said that the King and Queen of Greece were the whole cause of the insurrection in Turkey; and he (Mr. Cobden) wished to ask the noble Lord whether he was prepared to lay before Parliament any papers relating to the insurrection of the Greek Christians in Turkey, and explanatory of the present relations of England with the Court of Athens. This question was now much more important than it had been before, because the Turkish Government had expelled the Greek population residing in Turkey. That was very like the revocation of the Edict of Nantes, when the French Government expelled the most useful part of their population, who were engaged in carrying on the silk trade in that country. [*Cries of* "Order, order!"] The way it affected the interests of this country was this—[*Cries of* "Order!"] He thought the question so important, and that these facts should be brought out, that he should put himself in order by concluding with a Motion. Almost the whole of the trade of Turkey with this country was carried on by Greeks. There were fifty-five Greek houses in Manchester, who purchased almost all the goods for Turkey and the Levant, and he had been informed that the purchases of Greek houses in Manchester and Glasgow amounted to from 2,800,000*l.* to 3,000,000*l.* per annum. They were generally naturalised subjects of the Greek kingdom, but almost invariably born subjects of the Porte. The facts connected with the subject were so illustrative of the state of government that existed in Turkey that he would mention one to the House. He had asked one of his friends, a Greek merchant, to inform him how many Greeks in the City of London who carried on trade operations in the City were subjects of the Porte, and the information he got, after two days of inquiry, was this—and no doubt it was perfectly correct—that there were fifty to fifty-five Greek houses; that they were all born subjects of the Porte, but he could not find now more than two that remained subjects of the Porte; they had all become naturalised subjects of the King of Greece, or were naturalised Russians or Austrians, because no Greek merchant, a subject of the Porte, felt himself secure in carrying on extensive operations in commerce, except he had a protection from some other naturalisation besides that of Turkey. What a dreadful fact it was, when they considered its bearing upon the government and the state of society in Turkey, that those who carried on all the foreign trade of Turkey must seek a foreign naturalisation to enable them to carry on their commerce with safety! Then came the important question—if the Turkish Government banish a great part of these Greek houses from Turkey, who was to carry on the trade; and the question he had to ask the noble Lord was, whether there was any information to show that the decree of the Turkish Government was to be carried out in all its rigour, and if the English Government were a willing and assenting party to it. The question, therefore, that he had to ask the noble Lord was, whether the Government contemplates laying before Parliament any papers relating to the insurrection of the Greek Christians in Turkey, and explanatory of our present relations with the Court of Athens? and he would conclude by moving, that the House at its rising should adjourn to Monday.

Lord JOHN RUSSELL; Sir, in answering the question of the hon. Gentleman, I will say at once that the Government hope shortly to be able to lay before Parliament papers relating to the insurrection of the Greek Christians in Turkey, and explanatory of our present relations with the Court of Athens; but to one or two statements that have been made by the hon. Gentleman I wish to refer. The hon. Gentleman refers to the statement that has been made on my part, that the insurrection in Turkey of the Christians had been fomented, and in fact very much owed its origin to the conduct of the Greek Government. Every paper I have seen from persons who have authority from Her Majesty in that quarter, whether it be from our Minister at Athens or the Lord High Commissioner of the Ionian Islands, or whether it be from Consuls Saunders or Blount, every one of those statements shows that the Greek Government have been most active in fomenting that insurrection. In the last despatch I read from Mr. Wyse, he says that the Foreign Minister of the King of Greece did complain of some phrase that had been used by the French Minister at the Court of Athens, and that he stated it was no use to complain of particular terms, because, in fact, it was notorious that the Court of Greece had done its utmost to foment the insurrection; that the persons who were employed high in the service of the King of Greece, whether in his household or in the military service, had been the most active persons in crossing the frontier, and in endeavouring to raise the Christian population of Turkey against the Sultan. The French Minister mentioned various other facts to the Minister for Foreign Affairs of the King of Greece, and it does not appear that they were at all denied, but there was a general statement of the sympathy that must be naturally felt for the Greeks in Turkey. I do not mean to deny that of the Christians in Turkey many of them are averse to the Mahometan rule; but what I state is, that in a great many of the villages that have risen in insurrection there was perfect tranquillity. Although they were not content with Mahometan rule, there was no desire to rise in insurrection, or to take up arms against the authority of the Sultan, until persons in fact authorised by the King of Greece, who lately held his commission and came from Greece, were active in raising and fomenting that insurrection. With respect to the part our ships abroad have taken on this subject, I own at once that some of Her Majesty's ships have prevented vessels carrying arms and ammunition going from Greece in order to assist the insurgents, and such vessels have been stopped. The hon. Gentleman next refers to the order that all the subjects of the Kingdom of Greece in the Turkish territory should leave that territory. That was a decision the Sultan's Government was perfectly competent to make, and the comparison of that order to the revocation of the edict of Nantes is, I must say, an unhappy one. The persons to whom that revocation of the edict of Nantes applied were subjects of the King of France, and they were ordered to leave France for the reason history gives us. But these Greeks were not the subjects of the Sultan, merely differing from him in religion; but they were persons who were the subjects of a foreign Power, and of a foreign Sovereign, who was doing his utmost to raise an insurrection and rebellion in the provinces of Turkey. Whether that measure taken by the Sultan be expedient or not is quite another question. The reason for taking that step has not been communicated to Her Majesty's Government. We have been informed that the measure has been taken, and all that Her Majesty's Government have said on the subject is, that we doubt the wisdom of the policy that dictated it. But no one can deny that it is a step that the Sultan was perfectly competent to take, and there may be reasons, of which we are not aware, that dictated this step; but at all events the historical parallel which the hon. Gentleman used is one that is not very applicable, and is, in my opinion, a most signal failure. With respect to the papers to which the hon. Gentleman alludes, we shall be ready to produce them. I am very sorry to say that these papers will show, whenever they are produced, that great atrocities are committed, both by the irregular troops in the service of the Sultan, and by the insurgents who have risen against the Mahometan rule. While on the one side we have those irregular troops destroying Christian villages and leading the women and children into slavery; on the other hand, we have Christians going against the Mahometan inhabitants of a perfectly tranquil village—persons not in arms, and not employed otherwise than in the pursuits of peace, and destroying those Mahometan villages, and rooting out and extirpating the inhabitants. This is one of the most melancholy spectacles—this is one of the consequences that was to be expected from the attempt of the Emperor of Russia. It was obvious that when he pretended to be the protector of the Christians in Turkey, he would raise up on the one side and excite the fanaticism of the Mahometan population, and on the other side would arouse the desire for independence which exists amongst the Christian population the subjects of the Sultan. The creation of that civil war was one of the consequences of that most unjustifiable aggression of which there is scarcely an apologist to be found anywhere, except perhaps the hon. Member for the West Riding of Yorkshire.

Mr. BRIGHT said, the noble Lord appeared inclined to make merry with what he had called the signal failure of the historical parallel pointed out by his hon. Friend (Mr. Cobden); but if the noble Lord had been disposed to treat the matter fairly, he would have known, what everybody else must have known, that his hon. Friend merely referred to the Edict of Nantes for the purpose of showing that the banishment of the Greek population from Turkey must have the effect of banishing a large portion of the industry and foreign trade of that country. His hon. Friend said nothing about the right of the French monarch to banish those who were his subjects, or about the right of the Sultan to banish from his country persons living there who were not his subjects. But the real fact in relation to this question was, that there was a large body of persons in this country whose interests were deeply concerned in it. There were many persons living in England who were parties in mercantile establishments in Turkey. He had just received a letter from one who had been living in England since he was twelve or thirteen years of age, who had married an English lady, and who never intended to go back to the East, but he had a brother in Constantinople carrying on business there. That brother was a subject of the King of Greece, but who had never interfered in any degree with the political matters now pending, yet he was to be banished within fifteen days, his business must be wound up, and his debts collected by somebody else. This must inevitably tend to a great loss on the part of that individual, and might be the ruin of many. The question, then, which that House had to consider was, whether it was not the duty of Her Majesty's Government, acting for the interests of this country, and for the protection of Turkey, to protest against that measure—whether it was not the business of our Ambassador at Constantinople, not, indeed, to say that he doubted as to its being a wise policy on the part of the Sultan—for there was not a man above an idiot who did not know that it was a very unwise policy, and that it must occasion a great loss to the industry of this country, and a still greater loss to the industrial and commercial interests of Turkey—but to interfere and, if possible, prevent such a step being taken by the Sultan. If we had had an Ambassador at Constantinople who was not plunged chin-deep in the disturbance which had been brought about, in all probability he would have protested against this proceeding, as some other Ambassadors had protested. But those vast interests which this country had in the question, far above all others in the world except those subjects of the King of Greece, had been entirely neglected by the English Ambassador at Constantinople. The noble Lord had brought charges against the Court of Athens; but what was one of the demands which had been made by the Sultan of the King of Greece? It was, that the press in Greece should be suppressed; that that press, which had been hitherto free, should be no longer free. What was said by this country, a year and a half ago, when the Emperor of the French was understood to have made representations to the King of the

Belgians complaining of the freedom with which the press of Belgium commented upon the events that were taking place in France, and desiring that such comments should not be continued? Did not the press of England denounce that interference on the part of the Emperor of the French? And yet an exactly similar demand had been made upon the King of Greece by the Government of Turkey, with the sanction of the English Government, for it was idle to say that the Government of Turkey was any other than in the hands of the Ambassadors of France and England. The noble Lord brought charges also against the Emperor of Russia. He must here observe that the noble Lord had never heard him or his hon. Friend (Mr. Cobden) say a syllable in behalf of the Emperor of Russia. Their object in all their discussions had been to keep in view the character of the English Government and of the English people; and if the noble Lord had foreseen, as he might have foreseen, the enormous dilemma into which he would be plunged in connection with this single element—the Greek population—he (Mr. Bright) was not at all certain that the noble Lord would have ventured upon the course which he had pursued. He had heard the noble Lord in that House denounce the conduct of the Emperor of Russia as fraudulent. [Lord J. RUSSELL: The Government of Russia.] Well, the Government of the Emperor of Russia, then; but he had always been told that the Government of Russia was in the hands of one man, and that that man was the Emperor, therefore he did not exactly see the difference. For the noble Lord, when speaking on behalf and in the place of his Sovereign, to use language of that character with regard to a great potentate with whom this country was at the very time carrying on negotiations, was neither statesmanlike nor prudent; but the noble Lord's Colleague the Member for Tiverton (Viscount Palmerston) followed the noble Lord in language of a still more indefensible and reprehensible character. He wished to know how they were at some future time to approach the Sovereign of Russia, or how that Sovereign could approach them, except with feelings of great exasperation, if language of that kind was to be used by the Members of the Government, who no doubt had an object to serve in stimulating the feelings of that House and of the country in favour of the policy which they were pursuing? The noble Lord had to-night spoken in strong language of the course taken by the Court of Athens. What was that Court? It was established mainly by this country. It was established in its present form by the special recommendation of the noble Earl who was now at the head of the present Government, and the Government of Greece had been carried on to the present time under the joint supervision of three or four of the great Powers of Europe. And now the noble Lord—for he must identify the noble Lord with everything that was done by our Ambassador at Constantinople—was going to treat the Court of Athens in a very different manner from that in which he treated another nation across the Atlantic under very similar circumstances. When an insurrection in Canada occurred, and when that disturbance was attempted to be stimulated and heightened by a certain number of unsettled and vagrant people from the United States, the Government of this country did not tell the United States what had been told to the Court of Athens; it did not threaten the United States with effecting the occupation by British forces of Washington or New York. No; what you said to the United States was this:—"You will understand that if any of your subjects are caught beyond your northern frontier, we shall treat them as pirates, and we shall expect to do that without any protection being extended to them by the United States." That language was well understood by the United States, and that was all they were called upon or required to observe. The noble Lord was as well read in history as any man, and he (Mr. Bright) could conceive circumstances under which the noble Lord could tell the House more of it than he was disposed to tell just then. The noble Lord knew perfectly well that in the Ionian Islands, in those blessed regions which had been so many years under the government of Lord High Commissioners sent from this country, that in those islands, where the people were not under the Turks at all, nor under the Court of Athens, but under your own Sovereign, Sir Henry Ward could not meet the Senate, a Senate elected by a wide suffrage and by the ballot. ["Hear," *and laughter.*] Yes, a Senate which really and notoriously represented the feelings of the entire population of the islands. Sir Henry Ward called them together as usual, he made a speech to them; they prepared an address, a draught of which was seen by him before it was proposed; he perceived what were the feelings of the population of those islands, and what did he say to the Senate? He said that he could not go into the questions which they had raised; that his duty to his Sovereign would not permit him to give any kind of sanction to the opinions expressed in the address. And what did he then do? He prorogued the Senate and adjourned it to September next. Thus it was clear that the population of the Ionian Islands, over whom the Court of Athens could have no control whatever, were as much in favour of the movement now spreading throughout the whole of the Turkish provinces, as the Greek people. The feeling of the Greeks for freedom was one so strong that Sir Henry Ward could not repose upon the fact which had been urged by the noble Lord as an argument, namely, that the main portion of the Greek insurrection had been stimulated by the Court of Greece. With respect to the papers that were to be laid before the House, he hoped the whole would be produced, and not the head of one, the middle of another, and the tail of a third. He saw the other day, in a window in Fleet Street, an English newspaper which had been returned from St. Petersburg with large paragraphs and passages cut out of it. That was just the way in which the House was served by the Government. Let the noble Lord give them the whole blue book—let all papers and all letters be produced. Don't let there be merely those portions furnished which suited the object of the Government, but which would present nothing but a most unfair and a most untruthful statement of the case. The noble Lord had said that the Emperor of Russia was responsible for all the disturbances that had occurred in Greece. He would not contest that question for a moment, but he only warned the noble Lord of this—that, if he thought he was going to maintain the independence of any country by going to war against the united and unanimous wishes of the population, the noble Lord must be in possession of a theory of success which he (Mr. Bright) was not able to understand. Nobody doubted the fact that 10,000,000 out of 12,000,000 of the population of European Turkey were altogether adverse to the course which this country was pursuing. The Government had been drifted into a war by the impolicy of their own conduct. They were now in it, but they were decidedly carrying on a war against the feelings of the population of that country which they were pretending to protect. No sneers at his hon. Friend the Member for the West Riding would get them out of those great difficulties in which they had involved themselves. The Greek element was the insuperable difficulty they had to meet, and, the sooner the noble Lord made up his mind on that point, and endeavoured to accommodate and arrange it, the better would it be for this country. What the Government was now doing was to hand over the Greeks in Turkey to Russia. Those Greeks were always anti-Turk, but were never in favour of Russia. The present policy of this country would make them more anti-Turk, but would, at the same time, make them rather the friends than the enemies of Russia; and thus a population which, if rightfully treated, would have formed a true barrier against any aggression on the part of Russia, were, by your absurd and unstatesmanlike conduct, handed over to Russia, and induced to espouse that line of policy which all your actions were intended to prevent.

MR. LAYARD said, he wished to make one observation in regard to what had fallen from the hon. Member for the West Riding of Yorkshire (Mr. Cobden). The hon. Member had told the House that a large number, indeed almost the whole of the Greek merchants in their country, were native born Turkish subjects, but were trading as the naturalised subjects of other Powers. That was undoubtedly true, and the same was the case with the Greek merchants in Constantinople; but what was the explanation? Those men were born in Turkey, and were Turkish subjects; but, by a gross abuse of the privileges allowed to the representatives of other nations by the Sultan, they had been able to obtain the protection of the Ambassadors and Consuls of other countries, as if they were the subjects of those countries. It was managed thus:—these Turco-Greeks would go, for instance, to Odessa, and while performing quarantine without even landing would obtain a Russian passport; they would then return to Constantinople, and by virtue of that passport they would obtain the protection of the Russian Ambassador or Consul as subjects of Russia, and be thus enabled to enjoy privileges which the Turks themselves did not possess. It was notorious that passports were sold for a few piastres by the Greek Consulates in Turkey.

And what were the privileges they conferred? Those who possessed them refused to pay the ordinary taxes of the State; they actually refused to contribute to the common charge for lighting and cleansing the streets of Pera. And he would invite the hon. Member for Manchester (Mr. Bright) to ask any British merchant resident at Constantinople whether this gross abuse of privileges claimed by Greeks enjoying this protection was not most injurious to British trade, and had not ended by almost ruining every British house at Constantinople? Having enjoyed these advantages, was it extraordinary that they should also be exposed to the disadvantages that resulted from their position; or that when the Sultan found them engaged in raising rebellions within his dominions, he should compel them to be what they claimed to be—foreign subjects, and should compel them to leave his territory? The hon. Gentleman said that this measure would be attended with loss to the trade; but the principal sufferers by it would be the Turkish Government; and this fact showed that they must have been compelled almost, by a necessity of their existence, to expel from the country those from whom they derived their chief revenue. He was surprised to hear the hon. Gentleman make some remarks upon the conduct of Mr. Blount, our Consul at Salonica, who, he stated, had almost taken upon himself the government of Thessaly. The fact, however, was, that no man in Turkey was better acquainted with the true state of the population than Mr. Blount; that no man had done more to protect the Greeks; and that no man held a higher position in the esteem both of Greeks and Turks than Mr. Blount. The hon. Gentleman (Mr. Bright) then blamed the Turkish Government for interfering with the Greek press, which, he said, was as free as that of Belgium. But the fact was, that the Greek press was not free. Petitions falsely purporting to come from villages in Thessaly, and to be signed by the primates and chief men, were inserted by the Greek Government in the Greek papers, containing statements calculated to cause great irritation amongst the Turkish population, and which were thus likely to lead to the massacre of the Christians. Fortunately, Mr. Blount had sometime previously forwarded to our Ambassador at Constantinople petitions from the same villages, containing statements of a directly contrary character and begging the Ambassador to convey their thanks to the Porte for the protection they had received; they were thus saved from the vengeance of the Turks. The fact was that the insurrection in the Turkish provinces was carried on by troops in the pay of Greece, and who were actually reviewed by the King and Queen before they started from Athens on their insurrectionary expedition. Mr. Blount went into Thessaly to show the inhabitants the dangers they ran, if they took part with them, of being treated as rebels by Turkey, while they were sure to be the first victims of the men who crossed over the frontiers with the professed object of assisting them. To a certain extent Mr. Blount had succeeded in restoring tranquillity in that province; and for that he deserved not blame, but praise. The hon. Member for Manchester still talked as if he shared in the old error that 10,000,000 of the subjects of Turkey were Greeks and had no sympathy with her; and in order to support his views on this point, he alluded to the feelings of the population of the Ionian Islands. No doubt the Senate of the Ionian Islands were very anxious for the success of the Greek insurrection, in order that they might gain their own ends. The condition and character of the Greeks of the Ionian Islands were not very encouraging for those who advocated the Greek cause. Did the hon. Gentleman know what was the first step taken by this Senate elected by the ballot? The first thing they did was to pass a law that no man should be liable to pay his debts for four years. He remembered last year meeting a gentleman of considerable rank in Greece; and while talking about the Ionian Islands, the gentleman said, "You do not know how to treat them; let them be added to Greece, and we should show you how to deal with them." In answer to the question as to what would be the course taken by the Greek Government, his friend added, "We should turn three or four regiments of irregulars amongst them, and you would soon see the result." No doubt there was great danger that portions of the Christian population in Turkey would rise; but that population, generally, had no sympathy with either Greece or Russia, nor had they any very strong feeling against Turkey. When he (Mr. Layard) had the honour to address the House on the 30th of March last, he stated, on the authority of a private letter from Constantinople, dated on the 20th of that month, that a large Russian force, consisting of seven steamers and four transports, had appeared on the coast of Circassia, and had carried off a large body of troops from the garrisons there in the presence of Her Majesty's steamer *Sampson.* That statement—which was sent to him by a person who, he might say, was almost personally engaged in the matter—corresponded completely with a statement which had since appeared in a Russian paper, and therefore there could be no doubt that the account which had been furnished to him was true. But what was his surprise to find, after his having stated the fact in the House of Commons on the 30th of March, that the noble Lord the Secretary for Foreign Affairs, on the 6th of April, denied the thing in the House of Lords? ["Order, order!"] He meant in another place. The noble Lord distinctly denied the statement. It appeared from the statement in the Russian paper that three distinct proceedings took place. On the first occasion a number of forts was destroyed; on the second, troops were carried off; and on the third, some more troops, who had been left on the former occasion in consequence of bad weather, were removed. The article in the Russian paper concluded in these words:—

> "From all these posts, besides the garrisons, which make up an effective force of 5,000 men, they embarked all the families of the soldiers, the workmen, and a great part of the stores of the Crown. The rest, as well as the buildings, were burnt, and the fortifications were blown up. Our military resources have thus been augmented by an important body of picked troops accustomed to war by long service in the centre of an unsubdued country."

The right hon. Gentleman at the head of the Admiralty said that the Russian vessels were only postal steamers which were employed in carrying the mails. He (Mr. Layard), however, had seen them, and he could tell the right hon. Gentleman that they were steamers built in this country, and that, although they were called postal steamers, they were really vessels of war carring the same armament as Her Majesty's ships *Devastation* and *Stromboli.* He might indeed be told that our vessels could not interfere with the proceedings of the Russians on the occasion referred to because there was at that time no declaration of war. But he wanted to know what was the meaning of the instructions which they found in the blue books as early as October last? By an order dated the 8th of October, the Admirals were directed not to allow any ship to issue from Sebastopol, and were told to send her back if she did. This operation on the coast of Circassia, as described by the *Journal of St. Petersburg,* was evidently a directly warlike step, for if these troops had not been removed they must have fallen into the enemy's hands. And he contended that the English and French fleets were bound to prevent any such step being taken by the Russian Admiral. This affair and that of Sinope might cost this country an inconceivable amount of treasure and blood, for not only had 5,000 men been by this means added to the garrison of Sebastopol, but our moral influence over the population of these provinces had been much diminished by showing them that the Russian fleet could, if they pleased, come out of Sebastopol. He was surprised that the noble Earl at the head of the Foreign Office should have denied the statement which he made on a former occasion, and he certainly thought that some explanation on this subject was required, for it was evident either that the noble Earl did not wish the statement to go forth to the public, or that the Government had not received information which had reached the hands of private individuals. The right hon. Gentleman (Mr. S. Herbert) had denied the correctness of the statements with respect to the Commissariat Department which had appeared in the *Times.* He (Mr. Layard) could easily believe that those statements were correct, but he was the last man who would wish to throw blame on the officers of the Commissariat and transport service. He was informed that Mr. Commissary General Smith did not go out till March. Now, as far back as January last, he (Mr. Layard) warned the Government that Turkey was not a country like England, and that preparations for the reception and support of an army should be commenced some months before its arrival. Every letter he received from the East confirmed him in the opinion that in a very short time we should find ourselves involved in far greater difficulties than we had at first any reason to expect. He was afraid that the country would find that preparations which should have been undertaken months ago, and which would have been if the Government had listened to the warnings of those who knew the country, had been far too long deferred. If due attention had been paid to those warnings, our troops would not now have been wanting the common necessaries for the sick, or the means of covering. The blame of this, however, rested not with the officers concerned in the management of our affairs in the East, but with the Government at home. He perfectly agreed with the right hon. Gentleman the Secretary at War, that at no period had the country sent forth such a fleet and such an army, at so short a notice, as those which we had recently despatched to the seat of war ; but he must say that if the Government had taken the precautions which they ought to have done last year, they would not now be exposed to complaints which he feared were too well justified.

SIR JAMES GRAHAM said, that the hon. Member for Aylesbury (Mr. Layard) had reverted to a subject which was raised by a question put to him by the noble Lord the Member for Marylebone, and which had reference to the conduct of the officer commanding the *Sampson*, on the coast of Circassia. The hon. Member confidently relied on the accuracy of the statement which he had made on a former occasion, although he (Sir J. Graham) had asked the House to suspend its judgment until they had received the report of the British officer as to what took place, and had, on the part of Government, declared their willingness to lay on the table a copy of the instructions which were given to the commander of the *Sampson* by Admiral Dundas, and also a full report of what passed on the occasion referred to. The hon. Member doubtless believed what he stated when he said that 5,000 men were withdrawn from the forts on the coast of Circassia and sent to Sebastopol. Now, the only information which the Government had yet received, and which they were ready to lay before the House, was, that there were two transports, one of which was boarded, and that the two contained not more than 300 or 400 troops. The statement of Captain Jones is express, that the steamers were not vessels of war, but simply five small steamers employed as mail packets between Sebastopol and Odessa. The hon. Gentleman said that he had had the advantage of seeing them, but Captain Jones also had seen them. He had only one ship of war with him, and yet these five powerful steamers, as they were represented to be, crept as close to the coast as they could, and in the most careful manner avoided an encounter with one English and one French steamer. So much for the statement in the *St. Petersburg Journal*, which the hon. Gentleman believed. He must, therefore, entreat the House to suspend their judgment until they had seen the official report on the subject from a British officer of undoubted honour. Then with regard to the orders that were given to the fleets. The order of the 8th October, to which the hon. Member had referred, was one of a very modified description, and only declared that the coasts of Turkey should be protected. After the affair of Sinope—which he regretted as much as the hon. Member did, and which he declared, in his humble judgment, to be an eternal dishonour to the Emperor of Russia, inasmuch as it was a violation of assurances which had been given by his Government—a much more stringent order was issued by the British Admiral on the 24th of December. By it protection was extended from the Turkish coast to the Turkish flag, and it was directed that every Russian ship of war, as contradistinguished from merchant ships, which should be met by the English or French cruisers, should be warned to return to Sebastopol, and that if she refused force should be used. The affair in question took place on the 16th of March, and as war was not declared here until the 29th, and the news of it did not reach Varna until the 16th of April, the transaction must be viewed with regard to the orders of December, which were then in force. Now, in the first place, it was to be observed that whatever might be the character of the Russian steamers, they were not met on the sea—they crept close to the shore; and as they were proceeding from one Russian port to another, they could not be overhauled by the British steamers without an infraction of the law of nations. The transports could be overhauled. A question might here have arisen whether the order applied to transports. Captain Jones decided that transports should be treated as men-of-war, and he treated them accordingly. He (Sir J. Graham) should be prepared to contend that the orders issued by the Admiral were defensible, and that the manner in which Captain Jones executed them was quite correct. But he would not then trespass on the House further in regard to a case which could not be satisfactorily discussed until the papers were before them. In the meantime he entreated the House to suspend its judgment, and not to believe a Russian account in preference to the report of a British officer.

MR. MILNER GIBSON said, he wished

to put questions to the Government on two points. The first question related to the case of certain Russian merchant ships captured on the high seas, and supposed to be lawful prizes. In the *Times* of yesterday he observed an announcement, dated "Paris, Wednesday," of an Imperial decree, allowing Russian ships which left ports in the Baltic and the White Sea before the 15th instant to discharge and return to any Russian open port or neutral harbour without hindrance. The announcement proceeded to state, "The English Government, it is said, have come to a similar determination." He, therefore, wished to know whether such a decree had really appeared, and whether our Government concurred in it. It was certainly clear that if these ships could be brought into the English ports, some great omission must have been made in our Orders in Council. Orders had been given that all Russian vessels leaving our ports before May 10 should not be interfered with on the high seas by the French or English cruisers. Now, he certainly thought that, on the same principle, similar orders should be given with respect to Russian vessels leaving a neutral port before that date. It would be still more singular if we could take vessels leaving a French port before that date, because, if the French orders were similar to ours, the effect would be that the French cruisers could seize vessels leaving our ports, and we could seize vessels leaving French ports, and thus the professed effect of our Orders in Council would be entirely lost. He wished, in the second place, to call the attention of the Government to the case of a British ship, the *Ann MacLester* now lying at Cronstadt. She sailed thence in October, 1853, but was obliged to put back in consequence of stress of weather; and the repairs which were thus rendered necessary detained her in the Russian port until the frost had set in. In the meantime war broke out. The Emperor of Russia had now issued an order permitting the *Ann MacLester* to sail from Cronstadt as soon as the water is open. But it was certain that if she sailed after the 10th May, the British cruisers would seize and condemn her for breaking blockade. So that having on board a cargo the property of British merchants, and purchased in 1853, the ship was placed in this position—that the Russian Government would seize her if she did not sail, and the British cruisers if she did. He must add that within half an hour before he rose to address them information had been received that an order had been given that the ship should be allowed to leave Cronstadt, but that for military reasons she must be manned by neutral sailors, in consequence of her crew having been so long within a Russian fortress. Now, it so happened that this was the ship which Sir Hamilton Seymour had selected to bring over the effects which he had left at St. Petersburg, so that if those effects were really placed on board her, the only danger of confiscation which they would incur would arise under the British Orders in Council, for he could not see how any distinction could be made between them and the rest of the cargo. The legal advisers of the merchants who owned the *Ann MacLester* had, under these circumstances, advised them to apply to the Government for a licence, which had been refused, although it was clear that this was a special case, and could have no bearing on the general question of whether licences should or should not be granted to trade with the enemy's ports in time of war. It was right, therefore, it should be known that if the property of Sir Hamilton Seymour should be confiscated the British Government, and not the Emperor of Russia, would be responsible for the proceeding. He consequently wished to ask the Government if they could point out any mode by which this British ship, with Sir Hamilton Seymour's effects on board, could be allowed to leave Cronstadt unmolested by our cruisers. He might, in conclusion, state his belief, from information which had been supplied to him, that there was no foundation whatever for the statement that Sir Hamilton Seymour's effects had been detained at St. Petersburg by an order of the Emperor of Russia because they were Sir Hamilton Seymour's effects. He believed that if they were detained at all, they were detained for some formal matter arising out of the necessity for making out fresh papers. It was clear that, as the ship originally cleared in October, 1853, and as the shipment of Sir Hamilton Seymour's effects would therefore be a fresh taking in of cargo, it would be requisite that she should make a fresh clearance at the custom-house, and should be furnished with new papers. In the event of the *Ann MacLester* being captured by one of our cruisers, she would be condemned and confiscated, and, of course, Sir Hamilton Seymour's effects would share the same fate as the tallow, iron, and stearin with which the vessel was laden. He wished to know, therefore, whether the Government would not issue orders for allowing a British ship with Sir Hamilton Seymour's property on board to return home unmolested?

Sir JAMES GRAHAM said, the first question put by the right hon. Gentleman referred to an order stated to have been issued by the French Government, conformably to which an order had likewise been issued by Her Majesty's Government, to the following effect:—

> "That Russian vessels leaving the Russian ports of the Baltic and the White Sea before the 15th of May next, bound for a port of France or Algeria, may freely accomplish their voyage, discharge their cargoes, and afterwards return to a Russian port not blockaded, or to a neutral port."

There was no doubt as to the fact of such an order having been issued by the French Government, and he need hardly say it was also true that a corresponding order had been issued by the British Government. The French order contemplated a further extension of time with respect to the Colonies; but the British Government had not issued any such instructions. He did not think it would be expedient on the present occasion, and he did not know that the right hon. Gentleman would wish him to argue the question, whether there should be a further extension of the Order in Council, so that ships not leaving the ports of belligerents, but leaving the ports of neutrals, should be entitled to correspondingly lenient treatment with ships leaving the ports of belligerents. But he must observe to the right hon. Gentleman, with regard to the policy that dictated the order of France and England regarding ships leaving the ports of belligerents, that it was intended to be in favour of their own subjects who had entered into contracts with belligerents before the declaration of war. Though they might not go the whole length which the right hon. Gentleman would desire, yet it was quite apparent that the Orders in Council which had been issued were framed in a spirit of the utmost attention to the interests of trade and commerce, with an honest and rational desire to mitigate to the utmost extent the evils of war as affecting the communities of the belligerents; and the only doubt which might be entertained was, whether they had not carried this beneficent spirit so far as, to some extent, to affect the power of the belligerents to prosecute hostilities with effect. He did not think it would be expedient to discuss this question now incidentally, but he would point out to the right hon. Gentleman that the concessions which we had made in that beneficent spirit had already been met by our antagonists, for a corresponding order, in substance, had been issued by the Emperor of Russia,

> "By which the Minister of Finance allows English and French vessels six weeks from the 19th of April to clear out of Russian ports in the Black Sea and the Sea of Azoff, and six weeks from the 7th of May to clear out of Russian ports in the Baltic. Enemies' property in neutral bottoms will be regarded as inviolable, and may be imported into Russia. The subjects of neutral Powers on board enemies' ships will be unmolested."

This was an order, on the part of the Russian Government, corresponding in spirit with those which had been issued by the English and French Governments, and he must say that he thought a great triumph had already been achieved by a mitigation of the evils of war, as they affected trade and commerce in the time of war. He was also happy to be able to impart some consolation to the right hon. Gentleman in regard to the unhappy *Ann MacLester*. The *Ann MacLester* obtained a clearance from Cronstadt in November last, but from stress of weather, and the frost setting in, she was unable to proceed to sea. Her cargo was put in, and was completely on board before the declaration of war. His right hon. Friend appeared to anticipate that this unfortunate ship, on account of a blockade which either was instituted or was about to be instituted, must either be seized by the Emperor of Russia, and not allowed to quit the port, or that, if she attempted to put to sea without a licence, she must be captured by the blockading squadron. He must be allowed to tell his right hon. Friend, that by the law of nations—though it was inexpedient to discuss these questions in a cursory manner, and still more inexpedient for him to give any positive opinion upon them—but according to the law of nations, when a clearance was effected, and the cargo embarked before the declaration of war, then, notwithstanding any blockade, and without any licence, the ship was entitled to pass freely. Therefore, so far as the public declaration of the Russian Government went, the vessel to which his right hon. Friend's question referred had nothing to fear; whilst the proceedings of the British and French blockading squadrons would be regulated by strict conformity with the requirements of the law of nations. What the Emperor of Russia might have decided specially in this case they did not know; but he believed the right hon. Gentleman's remark to be quite correct, that if no change had been made in the vessel's cargo, and if the crew of the vessel had been changed, as was said to have been required by the minute to which allusion had been made as having been issued on military grounds, then, even so far as Russia was concerned, no difficulty would be interposed in regard to the departure of the *Ann MacLester*. As to the other question put—what was to become of the effects of Sir Hamilton Seymour—he believed the right hon. Gentleman was misinformed, and that those effects were not on board the *Ann MacLester*, but were on shore. He hoped and believed that his eminent friend Her Majesty's late Ambassador to St. Petersburg, would be treated according to the strictest usages of diplomacy, and would not be deprived of his property, whether that property were on board the *Ann MacLester* or not. The facts of the case were that this British ship, so far as the law of nations and the enforcement of the blockade was concerned, had nothing to apprehend in putting to sea without a licence. He, for one, considering the great latitude given under the Orders in Council with reference to neutrals, was of opinion, first of all, that the blockade must be enforced in the most stringent manner, so that articles contraband of war might not be allowed to pass, and the strictest search must be made for them. These rights being in force, he was further of opinion that there was the greatest danger in granting licences; and he hoped that neither France nor England would be induced to grant licences. He was happy to think, therefore, that in the first case which had arisen, that of the *Ann MacLester*, according to the law of nations, the vessel had nothing to apprehend from the blockade.

MR. MILNER GIBSON said, he must beg to explain that he had not stated that he had received information that the Russian Government had issued an order to allow the *Ann MacLester* to pass, if no change had been made in her cargo, with a neutral crew; but he had said that she was to be allowed to go with her cargo wherever there was open water, but she must have a neutral crew. The right hon. Gentleman had also misapprehended his statement with regard to Sir Hamilton Seymour's goods, by the embarcation of which the clearance of the ship would date after the declaration of war.

SIR JAMES GRAHAM said, they had not been embarked.

LORD CLAUD HAMILTON said, that the owners of the vessel were not so satisfied with regard to her safety as the right hon. Baronet appeared to be, and he held in his hand a statement of their legal advisers upon the subject. They had received information from their correspondent that the Russian Government had stated that it would waive all right to the vessel if she was not able to leave, owing to the ice, until after the time fixed by the Emperor, and would give orders that she should be permitted to leave Cronstadt. The agent of the vessel then forwarded a statement of the case to the Foreign Office, in which he said that her cargo had been put on board in October, that she had cleared out at the end of that month, that she had put back from stress of weather, and had since been detained in port; but that she had never broken bulk; and he asked for a licence. The matter had been referred to the legal advisers of the Government, and an answer was ultimately returned, to the effect that no licences were to be granted. The owners had, thereupon, taken the soundest legal opinion in London upon the case, and the professional men who were consulted thought that, if the vessel attempted to pass through the blockading squadron, she would be boarded by a prize agent and sent in his charge to London, and it was obvious that there would be great difficulty in proving before an Admiralty Court that her cargo consisted of *bonâ fide* British property. With respect to another topic to which the right hon. Gentleman (Mr. M. Gibson) had adverted, he should wish to be informed whether there was the slightest foundation for an extraordinary rumour which had been circulated through the town to the effect that the goods of Sir Hamilton Seymour had been confiscated by the Russian Government. Much indignation had been expressed in the papers with regard to this outrage, as it was called, but if the whole story from beginning to end was without foundation, and there were no circumstances which would justify the circulation of this rumour, some one must have acted most culpably. He had constantly expressed his belief that the story could not be true, but he hoped, for the credit of the British name, that some statement would be made upon the subject. He had made inquiries of the agents of this vessel, and they had informed him that the rumour had excited great indignation among the British merchants and residents at St. Petersburg, and by its circulation at a time like this had done them great injury; that they did not believe such a thing could be possible, and that, although there had been a question about putting the goods on board the *Ann MacLester*, some objection of a technical nature had been raised against doing so. If the rumour was a total calumny, its truth ought to be publicly denied, and, if it were true, let the proper odium of such a transaction rest upon the Emperor of Russia. The rumour had been repeated in an article in the *Times* newspaper of a most extraordinary nature, and it was well known that that newspaper was looked upon abroad as a great authority with regard to the views of the Government, as apparently nothing that took place was unknown to it, for that newspaper had even obtained information of the *ultimatum* which had been sent to Russia before the arrival of the messenger who conveyed it at St. Petersburg. The effect of this article on the rumoured seizure of Sir Hamilton Seymour's property had been very prejudicial to British interests, and he therefore asked the Government to state distinctly whether they had any information which would justify the statement that Sir Hamilton Seymour's goods had been seized and confiscated? Sir Hamilton Seymour, although he had denied that the statement with regard to the confiscation of his goods was correct, had unfortunately kept up the delusion that he had been robbed and plundered, by his concluding remarks in a speech which he had since made at Manchester. If the delay in the removal of the goods to England had been occasioned, not by the Russian Government, but by the ice, we ought not, because the Emperor of Russia had offended us, to circulate disgraceful calumnies against him for which there was no foundation.

Lord DUDLEY STUART said, he did not rise to speak about the effects of Sir Hamilton Seymour, or to offer any opinion whether they had been detained by order of the Emperor of Russia or not. That was a matter of minor importance. He would not wish to circulate any unjust reports against the Emperor of Russia, who had, he thought, committed enormities enough—acts of perfidy and cruelty, of faithlessness, and ambitious aggression sufficient to render it quite unnecessary to go to rumours, or mere idle stories, to stamp his character as a prince without faith and without honour, who had proved himself to be dangerous to the welfare of the world—and that character would not be whitewashed even were it proved that he had not confiscated Sir Hamilton Seymour's carpet bags. He had given notice that he would to-night take an opportunity of calling attention to the measures taken by the Government in reference to the war. The noble Lord (Lord John Russell), he hoped, would forgive him for entering into this subject, seeing how deep was the anxiety in the House and throughout the country upon it. And that anxiety was not unnatural, seeing how the Government had hesitated and vacilated—how they had submitted to insult, before they declared war. Seeing the extraordinary reluctance they had evinced to enter into it, it was not suprising that the public should doubt whether, in the hands of those by whom that war was now conducted, it would be carried on with the necessary vigour to ensure success. Before entering into the measures which had been taken by the Government since the declaration of war, he would revert for a moment to a subject which had been under discussion that evening—the proceedings of the fleet in the Black Sea. The right hon. Baronet, the First Lord of the Admiralty, had expressed a desire that the House would suspend its judgment until it had the opportunity of examining the papers he promised to lay upon the table. That was a fair request, and it was impossible not to accede to it; and the right hon. Baronet also begged his hon. Friend (Mr. Layard) to take the accounts from British officers, and not rely upon accounts given by the enemy. He (Lord D. Stuart) was content to do so; but taking the account of the right hon. Gentleman himself, as founded on the statements of those British officers, it did not appear that the allied fleet had carried out the instructions which, with so much apparent hesitation, had been given to them. He found in the Blue-books constant repetitions of grandiloquent phrases as to what the Government expected the fleet to perform in the Black Sea. He found it stated, amongst other things, that the Russian flag must be swept from the Black Sea, and that it was necessary that the British and French fleets should have the complete command of its waters; and an order was actually given to the fleets not to permit any Russian ship of war to come out from Sebastopol or any other Russian harbour; and if they did, they were to be compelled to return. One reason for this order was to prevent the repetition of such occurrences as that at Sinope; but the Blue-book showed also other reasons, and he could point out passages indicating that the maritime communication of Russia was to be interrupted between the different parts of the coast. They had, however, been told now that our ships fell in with certain Russian vessels sailing between the Crimea and the Circassian coasts, and did not interfere with them, but allowed them to pass. Something had been said about those vessels being only Post Office packets, proceeding from one part of the Russian territory to another, and not regular vessels of war; but that was a mere subterfuge. If anything was meant by the order that Russian ships were not to be allowed to come out of Sebastopol, it applied, of course, to all ships in the service of the Russian Government. It was then said, "But these ships were doing what we wanted them to do—they were returning to Sebastopol;" but if the naval commanders had exercised proper vigilance, they would have met them on their passage to the Circassian coast instead of on their return, and in that case they would have been compelled to return to Sebastopol. He must express a doubt that the coast of Circassia was, as had been stated, Russian territory. Russia claimed it, it was true, but he was not aware that that claim had ever been recognised. It had also been stated by the hon. Member for Aylesbury (Mr. Layard) that upon another occasion certain Russian ships of war had proceeded to the coast of Circassia, and bombarded the fort of St. Nicholas while in possession of the Turks. What, then, became of the grandiloquent order to our ships to go into the Black Sea, sweep the Russian flag from it, and take the complete command of it? To give out an order of that character, and not carry it into effect, was to make us appear ridiculous in the eyes of our antagonist and of the world. He did not presume to censure our naval commanders, it was possible they might not have been able to keep such a watch as to prevent the Russian ships sailing in and out of their harbours, but if they could not, such an order ought never to have been given. Although we were now at war, he did not hear that operations had been effected. It was, he submitted, the duty of the Government, war being imminent long before it was formally declared, to have made preparations, so that the moment the declaration issued, they should be ready to act at once. Why had they not a body of troops at Malta, the Ionian islands, or even at Turkey itself, ready to be sent simultaneously with the declaration of war to some place where they might have rendered the Turks effective assistance? Why was it that while Omar Pacha had been fighting gallantly against a superior force on the Danube, our infantry were eating oranges at Malta, and our cavalry remaining idle at home, while the authorities made up their minds whether they should be sent by way of Gibraltar or through France? Why, he asked, had the commander in chief of the expedition, with His Royal Highness the Duke of Cambridge, been engaged in receiving entertainments in the French capital? And why was the Duke of Cambridge at this moment offering incense at Imperial nuptials at Vienna, instead of being at his post with the army? And when at length we tardily sent this force to Turkey, why were they stationed at Gallipoli instead of being sent to the Danube, or to Varna? Suppose Russia had invaded Scotland, and France had undertaken to help us, what should we say if she sent an army to Torbay instead of to Scotland? There had been a general desire in this country to remain at peace so long as it was possible; but directly that war was declared, the opinion became universal that it ought to be carried on with vigour and determination. He had already adverted to the dilatory proceedings of the commanders of our troops, and he could not help thinking that it would have been much better if the commander in chief had been earlier in the field. It could not be said that his services were not yet wanted there, because there was great danger of the Turks being overwhelmed by the superior forces of the Russians; but in making these remarks upon the commanders, and their delays at Paris and Vienna, he did not mean to censure them in the least degree, as he had no doubt in the world that they had acted according to orders. He knew that while the Duke of Cambridge was very popular with the Army, his Royal Highness was exceedingly anxious to enter upon active operations, and he did not mean his remarks to apply to him personally. He merely made them for the sake of getting some information from the Government which should satisfy the country that they were going to carry on this just and necessary war with all the vigour and appliances at their command. It should be remembered that it was not a common war; it was, in the words of the noble Lord (Lord J. Russell), a war of civilisation against barbarism—it was a war for the maintenance of the independence of Europe, and a war for such purposes ought to be carried on with earnestness and with vigour; no means should be omitted that could possibly be employed with any chance of carrying it to a successful conclusion. When such great interests were at stake, not only to Europe but to the world at large, this was no time for slow or hesitating measures. We saw Omar Pacha left to struggle as best he might against the superior forces of the Russians, whilst we heard of English and French troops being landed and entrenched at Gallipoli. We heard, too, of noble and gallant officers sleeping under tents with their ladies. Those were circumstances which showed that the war was not to be carried on in earnest, and that we were doing nothing more than playing at "the game of brag." After the battle of Oltenitza, Omar Pacha might easily have marched to Bucharest. The Russians had but a small force to oppose him; they expected that he would do so; and there was undoubted testimony to show that Gortschakoff so completely expected a forward movement on the part of Omar Pacha, which he would then have been unable to withstand, that he was ready at his door to be conveyed away. The country inquired what was the reason of this hesitation and delay in carrying on the war, this absence of vigorous measures? Was it that the Government were in hopes that Austria would at last make a forward movement? That would be a policy unwise and pusillanimous in the highest degree on the part of the Government; and they might be sure that it was not by any compliments addressed to the Government of Austria, for the purpose of conciliating that power, that they would induce her to range herself on our side. Austria would be sure to go with the strongest; and he had no doubt her sympathies were with Russia, from the proximity of territory, and remembering the partition of Poland and the generally despotic nature of the Government of Russia. If we wanted to have the aid of Austria we must first show some vigour and obtain some success, and act on a bold and masculine policy. It was only under such a state of circumstances that we might expect Austria to range herself on our side. He therefore called on the House to carry on this war with vigour, in order that it might the sooner be terminated. He had felt it his duty to make these observations on this occasion; but he did not make them from any hostile feeling towards the Government. He was anxious, on the contrary, to see them act in a manner worthy of the country and of this great occasion; and if he should induce them either to give explanations which might go towards satisfying the public as to their intentions in prosecuting the war, or to feel the necessity of carrying it on with vigour, he should have done that which was not unbecoming an independent Member of Parliament to do.

Mr. PRICE said, he begged to ask the right hon. Gentleman the President of the Board of Trade, whether any English ship, as well as any Russian ship, which, prior to the 15th day of May next, may have sailed from any port of Russia, situated either in or upon the shores or coasts of the Baltic Sea, or of the White Sea, bound for any port or place in Her Majesty's dominions, will be considered to be free from molestation by Her Majesty's cruisers, under the Order in Council of the 15th instant; and whether, as the ports in the Baltic are rarely open, and the ports of the White Sea are never open so early as the 15th May, such Order in Council will be extended in point of time to the actual opening of the navigation in those seas respectively?

Mr. CARDWELL said, in answer to the question of his hon. Friend, he could only state, what had been already stated in the course of the evening, that no licences are granted to any person at all to change the operation of the maritime law. With regard to the Order of the 15th of April extending the time to Russian vessels to the 15th of May, that was intended only to apply to Russian ships for the purpose of enabling them to return home. With reference to English vessels, it was not intended to make any change in the general operation of the law. His hon. Friend would excuse him giving any legal opinion on this subject. He would only refer to a particular case, that of the *Ann MacLester*, the facts being known. By the general law of nations a ship so situated was entitled to come home at such time as the state of the ice enabled her to do so. Therefore, there was no occasion whatever to make any change with regard to English vessels; but this change was made with reference to Russian vessels up to a limited time, to enable them to carry home their cargoes.

Mr. BAILLIE said, the noble Lord opposite (Lord D. Stuart) seemed to think it was a matter of no importance whether or not a grave calumny against the Emperor of Russia should be contradicted in that House. He entirely differed from the noble Lord.

Lord DUDLEY STUART said, he must explain that what he said was, that it was a matter of much less importance than many others; not that it was a matter of no importance.

Mr. BAILLIE said, he thought the conduct of the press, in seizing on every idle rumour for the purpose of villifying the Emperor of Russia, was most discreditable. With respect to the idle rumour in reference to Sir Hamilton Seymour's property and the Emperor of Russia, he presumed, as Her Majesty's Government had not expressed any opinion on the subject, they were prepared to admit the statement of his noble Friend (Lord C. Hamilton), which he made on good authority, that there was not the slightest pretext for that idle rumour.

Sir HENRY WILLOUGHBY said, he wished to make an observation in reference to the removal of the troops from the forts of the Russians in their own territory, which bordered upon Circassia. He apprehended the clear and distinct answer to the reflections made on the British Admiral in regard to that subject was that it was impossible at that time for the British Admiral to act in any other way than he did. Until there was a clear declaration of war, no such hostile operations on his part could have been entered upon as had been suggested. The question might arise whether the declaration of war was not too long delayed; but until that declaration was made, it must be manifest that the British Admiral could not in any way molest the Russians in transporting their troops from one portion of their territory to another. He would take that opportunity of saying, as the country was now at war, he trusted some attention would be paid by the Government to the water communication on the Danube, as bearing on the mode of supplying the Russian Army with provisions and stores during the war. It would be remembered that in the campaigns of 1828–29, although Russia was in possession of the Black Sea, she had the greatest difficulty in maintaining her Army, small as it was, comparatively; and he was firmly persuaded that the utter impossibility of furnishing the necessary provisions to a large army of Russians, which would result by interrupting their water communications, would be enough to paralyse any efforts they might make to take possession of Constantinople. It would be of the greatest importance if some mode were devised of getting possession of the various mouths of the Danube by means of an effective flotilla. It was quite clear, for example, that the mode of interrupting Russian communications, particularly if they advanced upon Schumla, would be very easy; and they might be check-mated with equal ease at other points. That appeared to him to be a suggestion well worthy the attention of those who had the direction of those matters.

Mr. FRENCH said, he wished to know what despatches had been sent from this country to our Minister at Constantinople since the passage of the Danube by the Russians, and since the complaint made by Omar Pacha, of not having received proper reinforcement from the Allies? He wished to know also whether it was true that a statement had been made by Omar Pacha, that if he was not reinforced by the Turkish power, and sustained by the English and French allies, it would be necessary for him to withdraw his troops from the Balkan and concentrate them around Adrianople?

Mr. DANBY SEYMOUR said, he believed, from the accounts he had heard, that all through the Greek provinces there was very great oppression of the Greeks by the Turks. He might state that recently, in passing from Alexandria to Trieste, in a steamer, he met a considerable number of Dalmatians on board, who indignantly complained of the treatment they had received at the hands of the Turks, and expressed the strong sympathy they felt in consequence with the Russians. One among many of the instances he had heard of the oppression on the part of the Turks was, that a young girl was walking with her mother to church, in the course of the last winter, when a Turk came and seized the daughter and carried her off. Her mother applied to the Austrian and English Consuls, who applied in turn to the Pasha;

but his answer was, that she could not be taken out of the harem in which she was placed, because she had become a Moslem, and being a Turkish subject it was impossible for the European authorities to interfere. If those things were allowed to continue, it could not be otherwise than that a strong feeling of exasperation must exist against the Turks. The right hon. Baronet the First Lord of the Admiralty had, in the course of the evening, spoke of Circassia as being a Russian country. He (Mr. Danby Seymour) was not before aware that it was so; and he was desirous of knowing whether he had correctly understood the right hon. Baronet on that point. For the last fifty years the Circassian people had nobly combined in defence of their independence, and up to this moment Russia only possessed the land in Circassia which was within the range of their cannon.

Motion *agreed to;* House at its rising to adjourn till Monday.

SIR HAMILTON SEYMOUR.

LORD JOHN RUSSELL, in bringing up, by command of Her Majesty, certain communications in reference to the war, said, he would take that opportunity of giving an answer to the question asked by the noble Lord (Lord C. Hamilton), who, he believed, was not then in the House, with respect to the effects of Sir Hamilton Seymour. He would state all he knew on that subject. He believed Sir Hamilton Seymour received some notification from his own agent that his effects, which had been left at St. Petersburg, could not be embarked on board the ship which the agent had chosen, the same ship he (Lord J. Russell) believed that had been mentioned in the course of this night's discussion. No further communication was received for some time; and he (Lord J. Russell) understood the effects had been placed in the hands of a well-known firm of merchants at St. Petersburg, and were now in their possession. There was no question whatever of the seizure or confiscation of the property of Sir Hamilton Seymour. There was an objection—he did not know the reason of it—to the embarkation of those effects in the particular ship which the agent had chosen. With reference to what had fallen from the hon. Member who had just addressed the House (Mr. D. Seymour), as to the relation in which Circassia stood to Russia, he thought the hon. Member had misunderstood what his (Lord J. Russell's) right hon. Friend (Sir J. Graham) had said on that point. By the treaty of Adrianople certain posts, which were named, on the coasts of Circassia were surrendered to Russia. He (Lord J. Russell) believed, before that time, those posts had been occupied by Turkey. At those posts there were Russian troops stationed, and it was with regard to them that his right hon. Friend (Sir J. Graham) spoke when he said those troops had been removed from one Russian station to another.

The House adjourned at half after Eight o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 1, 1854.

MINUTES.] *Took the Oaths.*—The Bishop of Cork, Cloyne, and Ross.

THE TICKET OF LEAVE SYSTEM.

LORD ST. LEONARDS rose to call the attention of his noble and learned Friend on the woolsack and of the Government generally to a subject of considerable importance, and to ask for copies of the instructions in regard to tickets of leave issued under the new system by which we were now attempting to get rid of transportation. The case to which he should refer by way of illustration was the first which had occurred under the ticket of leave system, and was reported on the 28th of April; and it was of this nature:—A prisoner had been sentenced to transportation for seven years, but was ultimately sent to the prison at Dartmoor, where he was confined for seventeen months. His conduct while there must have been good, because he obtained a ticket of leave from Lord Palmerston the Secretary for the Home Department, and was sent to Edinburgh, the place where he had been convicted. After being thus restored to liberty, it appeared that the man was unable to obtain employment, and under the pressure of starvation committed a new felony by stealing some small article—a pair of boots, he believed—and thereupon the warrant ceased (that being a condition which would forfeit the ticket of leave) and the man was then sent back, upon proof of his having committed this new felony, to his former place of imprisonment. The point to which he (Lord St. Leonards) wished to draw the attention of the Government was this:—It was stated by the prisoner, who was sixty years of age, that he had been sent from Dartmoor to Edinburgh, where he had been originally convicted. Whether this was in consequence of the provision attached to the ticket of leave did not appear; the Secretary of State, however, had the power, under the Act of Parliament, of annexing to the ticket of leave what conditions he pleased; and he had the power of confining his "leave" to any part of Her Majesty's dominions. The prisoner was taken to Edinburgh. He (Lord St. Leonards) did not complain of this, because it was extremely difficult to know what was the most advantageous course to pursue with regard to a man placed under such circumstances. It was hard to determine whether a liberated prisoner would feel himself in greater difficulties in the place in which he was originally known or in a place where he would be wholly unknown. But the man, being committed, made a statement which was thus reported:—

> "The prisoner, who cried bitterly on being removed from the dock, told the officers who had charge of him that he was driven to commit the felony in question by starvation. The authorities of Dartmoor prison sent him back to the scene of his former disgrace, where consequently, he failed to get employment. Wherever he went in Edinburgh he was a marked man, and, even if he obtained a situation, the police made it their business to inform his employer of his previous character, and no confidence was subsequently placed in him."

Now, when the matter was originally before their Lordships, and the Bill of his noble and learned Friend was passed, he (Lord St. Leonards) stated that he did hope that what was alleged to be the practice with regard to other persons who had been discharged would not be extended to persons to whom tickets of leave were granted. It was not a new complaint that after a man had been discharged from prison, after submitting to the punishment inflicted upon him, he had wherever he went been followed by the police, who, if he went into a shop to ask for employment, followed him and discovered to the shopkeeper what was the nature of the offence which he might formerly have committed. Now, it was impossible under such circumstances that any man could ever maintain his position. You had better hang him or drown him, and put him out of his existence; because there was no chance for him. Placed in such a position, the man must resort to his old habits:—there was no opening for him. He (Lord St. Leonards) thought it was not enough, when a man's conduct in prison had been good, simply to give him a ticket of leave; they ought to inquire what that man's means of subsistence were when he was let out of prison. At any rate, the police should be put under some prudent regulations in regard to their conduct in following these persons, if it were true that they did follow them. He (Lord St. Leonards) was not making a charge either against any public officer or against Her Majesty's Government; but here was one of the first prisoners discharged under a ticket of leave, although it was impossible that anything but want and destitution could attend him, and when, to avoid starvation (according to the man's own statement), he was compelled to resort to his old practices. Now, it was most desirable that this subject should be reconsidered by the Government with reference to the mode of employment and the means of existence for the persons so discharged—whether they ought to be sent into the world to get their living as they best could, or whether they should be dogged by policemen, who followed them and prevented them from obtaining any employment. It would be very desirable if his noble and learned Friend would lay on the table of the House the rules and regulations of the police force (if there were any) in regard to persons placed in the position of this man.

THE LORD CHANCELLOR said, he would take care to obtain some information with regard to the case from his noble Friend the Secretary of State for the Home Department; but he must say that on the face of the statement made by the prisoner, it could not be accurate. The man declared that he had been sent to Edinburgh; but how this could be he did not know, because the Act did not authorise any such thing. Until he heard it authenticated, he could never believe that a man, having a ticket of leave, should be obliged and compelled to resort to no other place than the scene of his former delinquencies.

LORD ST. LEONARDS stated that, in point of fact, there was such authority in the Act of Parliament as had been alluded to by his noble and learned Friend. The ticket of leave was granted upon such conditions as the Crown might think fit, and the prisoner might thus of course, be compelled to resort to such part of the United Kingdom as the Crown might fix upon.

LORD CAMPBELL thought it impossible that the police instructions, when they were produced, could be found to direct that a man should be followed, as was alleged to have been the case in this instance. If it were so, it amounted in fact to a revival, in another form, of the old and barbarous law, by which in ancient times a felon had a mark burnt upon his hand and cheek, so that all mankind might be warned of his guilt. That was a most inhuman and barbarous practice, and it, of course, prevented all chance of the criminal reforming and becoming a respectable citizen; and if the course said to have been adopted in this instance were to be followed, the same result would be produced.

MUNICIPAL INSTITUTIONS FOR CALCUTTA.

THE EARL OF ALBEMARLE *presented* a petition from the Trade Association and Inhabitants of the town of Calcutta, complaining of the inefficient manner in which their city is lighted, drained, and cleansed under the Local Municipal Act of 1852, and praying for the extension of Municipal Institutions to Calcutta similar to those enjoyed by towns in the United Kingdom, so far as the same may be applicable to that city. The noble Earl said he thought the prayer of the petitioners for a charter of incorporation was moderate, constitutional, and practicable. Calcutta was a city, the population of which amounted to 416,000 souls, and its annual rental 650,000*l*. It was the capital of our Indian possessions, and the most important port in our Asiatic dominions. Its annual exports amounted to 11,000,000*l*., and its imports to 9,000,000*l*., whilst the shipping which entered it reached 426,000 tons. Such a seaport was surely entitled, then, to some conveniences for the loading and unloading of ships; yet, although it had a river frontage of deep water two miles in extent, which was all public property, and without a single private right, strange to say, it did not possess a quay or a wharf. The city was also worse lighted, paved, drained, and cleansed, than any fifth or sixth-rate town in England. It was lighted with oil lamps, which were few and far between, and gas was wholly unknown there. Yet he questioned whether there was any town in England which had greater conveniences for gas than Calcutta, situated as it was about fifty or sixty miles from Burdwan, where there were abundant coal mines, with water communication. In consequence of its bad paving, draining, and cleansing, Calcutta was the most unhealthy of the great towns in India. Bilious affections, dysentery, remittent fevers, and malaria, were the common diseases of the place, and as old as its oldest inhabitants; but Calcutta was subject to a more fatal epidemic, which he believed was distinctly traceable to British exactions and British neglect. It was well known that many diseases of a preventible nature derived their origion from the squalid misery of the East—the measles, small-pox, and the Turkish plague were all of Oriental origin; but it was reserved for one of the oldest possessions of the British in India to inflict on mankind the scourge which went by the name of Asiatic, but which ought more properly to be called British, cholera, because it was in a part of the widely extended province of Bengal that this fearful epidemic first broke out, and thence commenced its destructive march over all parts of the globe, from China to Peru, and was uhappily now in our own manufacturing districts; and he believed that in its course it had swept off a greater number of souls than the whole population of Great Britain and Ireland. In 1817 this preventible disease made its first visit to Calcutta, carrying off thousands of the inhabitants. It raged with the utmost virulence during the three years of his (the Earl of Albemarle's) residence there; he believed it was never absent from it, and it never would cease unless the influence of Parliament, the commands of Her Majesty's Government, and the pressure of public opinion were brought to bear upon the local Government, in order to effect the removal of the present shameful and disgraceful mal-administration. The remedy for this state of things was a well-constituted municipal body. There would be no want of funds for such a body, because 35,000*l*. a year was raised from the inhabitants of Calcutta for municipal purposes; nor was there a want of competent persons, because there were 757 Christian inhabitants who had signed this petition. There was also the Bengal Chamber of Commerce, a body of powerful and intelligent merchants; and there was likewise the Trading Association, who were principally concerned with this petition, and who had for twenty years laid before the Government prayers for municipal incorporation, and rights similar to those existing in the mother country. There were no local difficulties in the way of drainage works in Calcutta, because there was an outfall of twelve feet from the city. A highly intelligent officer had made an admirable survey of Calcutta, and showed that at a slight expense a complete, perfect, and self-remunerative system of drainage could be established. The Report had been under the consideration of the Government ever since 1817. It was said to a Lord Lieutenant of Ireland, that the reason why his predecessors had not drained Phœnix Park was, that they were too busy draining the country. This was the case with the Indian administration; it was too busy draining the country of its resources to find time to remove the causes of disease, misery, and death, from the capital of our eastern empire. Of late years there had been much tinkering at the municipal institutions of Calcutta, the endeavour always being to give the semblance of popular representation, but to exclude its reality. In 1840 an Act was passed with this object; but it was succeeded in 1847 by another, the preamble of which showed its predecessor to have been inoperative. Two years afterwards, disease and mortality continuing, the Trade Association presented to the Governor General a plan of incorporation similar to that now suggested. All they gained was an admission from the Governor General that he was fully alive to the inconveniences; and to show that he was, the noble Marquess set off the following morning for the upper provinces, where he could breathe the pure air from the hills, leaving the inhabitants of Calcutta to inhale the filthy and destructive atmosphere by which they were surrounded. In 1851 another Act was passed, which was found to be inconvenient and ineffectual, and it was therefore repealed. In 1852 another Act was passed, and it was not difficult to understand why this did not succeed. The Administration of the affairs of Calcutta was by it vested in four Commissioners, two elected by the ratepayers and two appointed by the Government, a casting voice being, in all doubtful cases, given in favour of the Government nominees; so that virtually the office of the scavenger of Calcutta was in the hands of the Supreme Government, already burdened with the civil, military, and political administration of seven or eight nations and 150,000,000 of inhabitants. The Government Commissioners received no pay as such, but they were amply remunerated for the discharge of other duties. These duties were of so onerous a character that they had not time to attend to those which devolved upon them as Commissioners; and they were at the same time as ignorant of what occurred in the native town, as was a dweller in Belgravia of what occurred in Whitechapel. At the same time there was a constant change of official persons; and on this account every plan of improvement, however well intentioned, fell to the ground. The elective Commissioners were paid a salary of about 300*l.* a year; but, owing to the existence of the Government veto, the office was one of such discredit that no one, either Native or European, of any standing, would fill it, and it was held by Natives of inferior character, whose only object was to obtain the pay. This was a perfect mockery of popular representation, and he did hope that on this part of the subject Her Majesty's Ministers would give a favourable answer. He also trusted that the Government would extend the benefits of any improvement to other large towns in India. Madras, with its open port and roadstead, suffered from a combination of evils which produced perpetual pestilence, perpetual famine, and a revenue which never met its expenditure. Bombay, which nearly equalled Calcutta in commercial importance, had no loading or unloading docks. In consequence of this, all traffic between ships and the shore was carried on by native boats; a circumstance which gave rise to an association of thieves to plunder the merchandise while in transit to the shore, which carried on its operations for 30 years, but was at last betrayed by one of its members, and those who composed it were transported. Sir Erskine Perry, the Judge before whom these thieves were tried, stated, in mentioning the case, that though the existence of the association and its operations were well known in the bazaar, no complaint had ever been made to the police. This was the consequence of not allowing the Natives to have a fair share in the management of their own affairs. He asked this question in no hostile spirit towards the Government, to which, as he believed their measures, with the exception of their Indian legislation, had had for their object the well-being of the country, he had given a general support. He begged to move that the petition which he had presented should be laid on the table, and to ask Her Majesty's Ministers what steps they meant to take in reference to the matters referred to in it.

Earl GRANVILLE said, that as the noble Earl had given no notice of the particular grievance of which he complained, neither himself (Earl Granville) nor any of his Colleagues could give him any answer in that respect. Considering the interest which the noble Earl took in the affairs of India, it was natural that he should have been requested to present this petition, and should have thought it courteous and right to have supported it in the argumentative speech which he had addressed to the House; but he (Earl Granville) had so much confidence in the soundness of his judgment that he did not think that he seriously intended to press the prayer of the petition upon their Lordships. He did not know that there was, in the course of the debates upon the India Bill, any stronger feeling expressed by any of their Lordships, than that care should be taken not in any respect to weaken the authority of the Governor General and the Legislative Council. What had fallen from the noble Earl had shown how competent the Governor General and the Council were to deal with this subject; for he had mentioned several Acts which had been passed upon the subject, and had particularly referred to one passed in the year 1852. The objections to that Act, as he (Earl Granville understood the noble Earl—for the Government in England had no knowledge that any appeal had been made to the Governor General in Council, against either the constitution of the board or the working of the system—seemed to be, that it was composed of two members appointed by the Government and two elected by the ratepayers. With regard to the former of these he apprehended that all their Lordships were aware that there were many things which in England could be done entirely by private individuals, with respect to which in India the Government was obliged to interfere. The objection that the other two Commissioners were not respectable Europeans, but Natives who undertook the office for the sake of the pay, was the last objection which he should have expected to have heard from the noble Earl. The population of Calcutta amounted in number to 416,000 persons, of whom about 400,000 were Natives; and he (Earl Granville) thought it an advantage that the elected members of the board should be two Natives rather than two Europeans, however respectable. He had recently been making some inquiries as to the actual state of the town of Calcutta, and he had had put into his hands one of the latest newspapers published in that place, in which there was a very long and able report in regard to the lighting of the town. That report gave a history of what had been attempted, and the difficulties which had been encountered, and finally gave the satisfactory assurance that one individual, a factor of great experience, had made very good offers to light the town with gas, and that a company had actually been formed with the same object. It would be idle to detain their Lordships by a lengthened discussion of these purely local matters. He could see no reason why the Governor General and the Legislative Council should have a bias in favour of a bad rather than of a good form of municipal government in Calcutta; and he really thought that their Lordships, who, as had been said by a noble friend of his, had been struggling for some years against darkness, and had referred the matter to a Select Committee who had been much puzzled how to light them, and who held their sittings in a town that had not very satisfactorily managed its own drainage, had better not take upon themselves to encroach upon the province of the Governor General of India, and assume to themselves duties which it was clear they would fail satisfactorily to discharge.

Petition ordered to lie on the table.

INCOME TAX BILL.

Order of the day for the House to be put into a Committee, read.

EARL GRANVILLE said, that in moving that their Lordships go into Committee on the Bill, as it had been agreed, for the convenience of certain noble Lords, that the discussion on the Bill should be taken on the present stage, it would not be respectful if he did not make to their Lordships a statement, which he would condense as much as possible, in order to induce their Lordships—what he thought would not be difficult—to pass this Bill. He had certainly no intention of going into the history of the income tax, with which many of their Lordships were probably better acquainted than himself;—he need not even go back to what occurred during the last Session, except to notice some remarks which led him to believe that some of their Lordships were hardly aware what was the condition of things last year. A noble Earl (the Earl of Derby), the cause of whose absence from the House he much regretted, had stated, the other night, that, in his opinion, great want of forethought had been shown by the Chancellor of the Exchequer and the Government in having, at a time when they might have anticipated war, abandoned so important a portion of the revenue as the soap duties. [" Hear !"] From the cheers of noble Lords opposite, he inferred that they considered this to be the state of the case, and when the Government came into office last year they found an ample revenue, sufficient for all purposes, and that they had wantonly thrown away a tax which yielded a revenue exceeding a million a year, collected by the soap duties, and this at a time when the income tax, which produced about five times that amount, was about to expire. Now, if there was at that time any feeling, in or out of Parliament, which was stronger than another, it was, that it was absolutely necessary that the Government should either abolish the income tax, or should modify it to meet certain inequalities and injustices which were apparent in its operation ; and this feeling had certainly been much encouraged by the course which had been previously taken on the part of the late Government, who, with a very laudable desire to meet the popular demand, had announced in Parliament that it was their intention to make certain modifications in the mode of levying the tax with a view of removing these inequalities. This announcement made a great impression upon the public ; and though it afterwards appeared that it was merely a promise of a plan which was not matured, nor indeed formed, this discovery did not counteract the effect of the original announcement, which no doubt increased the public expectation that Her Majesty's present Government would deal in the same spirit with the income tax. This tax had, of course, been one of the first objects of consideration with the Chancellor of the Exchequer, who, he believed he might say, applied to it an amount of labour and consideration, so as to master its principles and its practical working, such as hardly ever before had been bestowed by any public man upon an individual subject, while discharging the other duties of his office. He associated with him several other Members of the Cabinet, who were well acquainted with the subject ; and after most anxious consideration, the Chancellor of the Exchequer and his colleagues came to the conclusion, which had previously been come to by every Finance Minister, excepting the Members of the late Government, that it was impossible to modify the income tax in any way that would not increase, instead of diminish, its injustice and inequality, and that if you meddled with it at all you would impair it as a measure of taxation for great emergencies. With this expectation on the part of the public on the one hand, and this opinion of the Government on the other, it appeared almost inevitable to honest men that you must either endeavour to give up the tax altogether, or confess that it was utterly impossible to propose the modifications demanded. By a most admirable argument of the Chancellor of the Exchequer, accompanied by a proposition which at once met with the favour of the House and of the country on account of its justice, its comprehensiveness, and its effect in relieving to a great extent—as in that very instance of the soap duties—both the manufactures of the country and the wants of the poorer classes of the people, the country and the House were persuaded to accept of the income tax, and also to impose an additional tax, which might be called a war tax. Both these taxes were now in force, and we had them to use as might be necessary in the emergency which had occurred. The manner in which it was now proposed to deal with the income tax was to double the amount payable in the first half-year, so as to give, in round numbers, a sum of about 3,300,000*l.*, and that amount, together with the surplus from last year, would go to make up the deficiency estimated for the expenditure which had already been sanctioned by the House of Commons—an expenditure amounting in round numbers to 50,000,000*l.* The proposition contained in the Bill, on which he now moved that their Lordships should go into Committee, was a simple one. It merely enacted that during the first half of the current year double that half-year's income tax should be paid. The reasons for making the whole increase payable in the first half-year were twofold. The first was that the whole charge might be received in the current year ; and the second was, the possibility of circumstances rendering it necessary for the Government to call for a double tax on the second half-year also. He knew that there were points connected with the past policy of the Chancellor of the Exchequer on which some of their Lordships were anxious to speak ; and if any such observations were made, he should be glad to give upon these matters such explanations as he could.

Moved, That the House do now resolve itself into a Committee.

LORD BROUGHAM wished to state that he still retained the opinions he had always held on the subject of the income tax, and which he had expressed in 1816, at the time he was a Member of the House of Commons, when he objected to continue the income tax beyond the duration of the war that had rendered its imposition necessary—opinions which he had again expressed in this House, when the present tax was imposed ten or eleven years ago; and opinions which he had repeated in 1851, when he renewed the resolutions which he had previously laid before the House upon the subject. After all the discussion the question had undergone, and notwithstanding the inquiries his noble Friend (Earl Granville) said had been made, and the conclusion which had been come to, that no modification of the tax could be effected, but that it would be crippled and rendered entirely ineffectual if the modifications suggested were adopted, he (Lord Brougham) had the misfortune to retain his opinion, that the tax upon income derived from capital, the tax upon income derived from labour, and the tax upon income not derived from capital, but continuing only during a man's life, ought to be differently imposed from the tax upon income of another description where the interest was not confined to a man's life. The answer which was given to the Resolutions he submitted to their Lordships on the occasion to which he referred was, that the Government had not one word to say in favour of the income tax; that they had not one word of argument against the proposition he then made, but that it was the hard necessity of their condition that rendered the imposition of the tax inevitable, and that it was only that necessity which could justify its adoption. This was the admission both of his noble Friend Lord Ripon, and of his illustrious Friend the Duke, whose loss all so deeply lamented. He knew he was taking an unpopular course; but he still retained the opinion that, of all the taxes which could be imposed, the tax upon income was the worst, with the exception of taxes upon food, taxes upon knowledge, and taxes upon the administration of justice. But in the present instance its adoption was a hard necessity. We were unfortunately plunged into a war, the expenses of which must be provided; and, retaining the opinion which he had before expressed against this tax, and which opinion no experience he had acquired during its continuance had in the least degree abated or shaken, he feared he must now say that it had become necessary, not only to continue, but to increase it; and upon that ground alone he should give his assent to the Motion for going into Committee on the Bill.

THE EARL OF MALMESBURY did not rise to oppose the measure before the House for doubling the income tax; but he nevertheless felt it to be his duty, in the absence of his noble Friend (the Earl of Derby), to address a few observations to their Lordships upon the subject. His noble Friend (Earl Granville) had stated most truly that the proposition was a simple one. And indeed it was so simple that its very simplicity made it one of the principal misfortunes of the country. It was so simple that it became the easiest of all methods of taxation if the public were willing to accept it; certainly, no great talent for legislation, and no great amount of ability, were required for propounding a financial scheme, when the principal instrument for obtaining a revenue was direct taxation in the form of an income tax. It must, therefore, be a considerable temptation to any Chancellor of the Exchequer to make use of this great instrument, which at once relieved him from all difficulties of calculation and enabled him to bring a vast amount of money into the treasury of the State. He had stated that he intended to agree to the proposition of his noble Friend; but he could not sit down without making a few criticisms upon what had taken place in connection with the tax and with the circumstances of the country during the last twelve months. It would be in the recollection of the House that the late Government, after they thought fit to advise Her Majesty to dissolve Parliament, failed in obtaining a majority in their favour at the election of 1852. True, they found themselves with a considerable number of supporters in the House of Commons; but the united forces of the different sections of that House which did not agree with them outnumbered their strength, and it became apparent that whenever those forces chose to unite upon any one question the days of the Government were numbered. However different in opinion from one another these sections were, they formed a coalition—he did not say how, when, or where — but a coalition they formed, and they lost no time in applying their united strength to expel the Administration of his noble Friend (the Earl of

Derby). They were not long hesitating in the choice of a subject on which to make the attack with the most chance of success. They might have attacked upon any question, and by uniting their forces have turned them out; but they chose the question of finance as that upon which the trial of strength was to be tried and proved. At once, and without hesitation, they attacked the financial scheme of his eminent and talented Friend the right hon. Member for Buckinghamshire (Mr. Disraeli). He (the Earl of Malmesbury) must say, in reference to the observations of the noble Earl opposite (Earl Granville) that it was most incorrect to say that the right hon. Gentleman's plans in respect of the income tax were not matured. Those plans were completely and fully matured, and the great feature of them was to give relief, as far as possible, from the inequalities and injustice to which the income tax was, he believed, necessarily liable. The intention of his right hon. Friend was certainly to relieve some of the parties to whom his noble and learned Friend (Lord Brougham) had just alluded, from the unequal pressure with which the tax bore upon them. His noble Friend (Earl Granville) had promised in the commencement of his speech that he would explain why the soap duties were remitted, in the face of all the warnings that were given to the Government at the time; but his noble Friend had concluded his address without the fulfilment of the promise. This was one of the points upon which Her Majesty's Government had most exposed themselves to obloquy, and he remembered that a noble Friend of his not now present (the Earl of Ellenborough) made a most earnest appeal to the Government on the subject, foreseeing, as almost everybody else foresaw, excepting perhaps the Prime Minister, that war was inevitable, and that it would be dangerous and improvident to throw away a tax which brought nearly 1,100,000*l.* a year into the Exchequer. Now, it was not, he thought, too much for the country to expect that, having expelled the late Government upon a question of finance, the undoubted talents of the succeeding Government should have been united upon the subject of their finance, in order to show the public that the expulsion of the preceding Government had been to its advantage and gain. He would, however, appeal to the public, and ask them whether the strongest point of the policy of Her Majesty's Government was their financial policy. Could it be said of them, and was it believed of them, that that was the best part of their policy, and that upon which they might take to themselves the greatest amount of pride? He (the Earl of Malmesbury) did not believe there was a man in the country, even among their own supporters, who would venture to say that that was the strongest point of their policy; and certainly it ought to be the strongest point, because it was that upon which they defeated the late Government, and expelled them from office. It would have been expecting too much from human nature to suppose that the able Gentleman who was now at the head of the financial department of the Government would condescend to follow in the path of his predecessor. So far from doing so, indeed, that right hon. Gentleman (Mr. Gladstone) appeared to have thought it his duty to pursue exactly the contrary course. Thus, upon the question of the income tax, he rejected the proposition of Mr. Disraeli suggesting relief to certain descriptions of persons and property, and which most people admitted would have been an improvement; and he not only held to the old principle, but he extended the tax to another part of Her Majesty's dominions. At the same time the right hon. Gentleman, in order to make the act less unpopular than it would have been, put before the public one of the greatest delusions that had ever been presented to a deceived nation. The right hon. Gentleman made them believe, and he supposed that the right hon. Gentleman believed it himself, that it was more than probable—nay, that it was likely, and that within seven years, the circumstances of the country would be such as to allow that tax to be completely obliterated. After a most impressive and eloquent speech, the right hon. Gentleman wound up his proposition by promising that at that time the income tax should be extinct. Now, the result of the right hon. Gentleman's Budget, he might shortly state, was this: He reduced about 2,700,000*l.* of taxation; he increased some taxes—he would not take up the time of their Lordships by enumerating them. The right hon. Gentleman, however, reduced and abolished other taxes, such as the tea duties, the soap duties, &c. But the great point to which the attention of the country was drawn, and of which the right hon. Gentleman seemed to be peculiarly proud, and on which he seemed practically to have grounded his Budget, was his having arranged the financial affairs of this country in such a manner that we were certain that at the end of seven years we should be entirely relieved of the income tax, which was now the subject of discussion in their Lordships' House. Now, at any time, it appeared to him (the Earl of Malmesbury) almost presumptuous in any man to pretend to calculate what might happen in seven years in a great empire like this, particularly at a great and impending crisis. It would almost require a sign from heaven, or the gift of prophecy, for any Minister to calculate a continuous state of prosperity for a period of seven years, which could alone justify him in making such financial arrangements, depending on the result of such prophetic knowledge. But he (the Earl of Malmesbury) was entirely unable to discover, now, or at the time those arrangements were proposed, what had inspired the right hon. Gentleman with such sanguine hopes as to the continued peace and prosperity of the country. He never could understand what there was in the circumstances of the country to justify the right hon. Gentleman in putting forward this delusion, that during the next seven years there would be such an increase of prosperity, which could only exist with continued peace—he repeated he was at a loss to know what, besides his own imagination, induced the right hon. Gentleman to act upon so weak and so unsatisfactory a basis. But the events which had occurred since the right hon. Gentleman brought forward his Budget—those events had increased his astonishment, the more, too, that they had been foreseen by many persons who did not pretend to be gifted with the spirit of prophecy, and ought to have been equally foreseen by the right hon. Gentleman himself, if he were aware, as he ought to have been aware, of the correspondence which entered and left our Foreign Office. He (the Earl of Malmesbury) asked their Lordships for a moment to recollect the dates which he was now about to mention. It was on the 18th April that the Chancellor of the Exchequer proposed to the other House of Parliament to reduce 2,000,000*l.* of taxation; that was the day on which he proposed to abolish the soap duties and other duties; that was the day on which he proposed to make his celebrated conversion of stock, which had since so signally failed. The right hon. Gentleman proposed to reduce the duty upon tea by nearly double the amount proposed by his right hon. predecessor, and he wound up his picture of finance by proposing the death of the income tax in seven years. That was on the 18th of April. He now asked their Lordships' patience for a few moments while he reminded them of the correspondence which lately occupied their attention, and which was received at the Foreign Office on the 6th of March, that was, about five weeks before the right hon. Gentleman brought forward his Budget. On the 6th of March the Government received from Sir G. H. Seymour an account of the remarkable conversation which he had had with the Emperor of Russia—a conversation which must be present in the memory of their Lordships. There were some passages in this despatch which showed that this distinguished gentleman, at all events, saw the impending storm, and took the earliest opportunity of warning Her Majesty's Government of it:—

> "It is hardly necessary that I should observe to your Lordship that this short conversation, briefly but correctly reported, offers matter for most anxious reflection. It can hardly be otherwise but that the Sovereign who insists with such pertinacity upon the impending fall of a neighbouring State, must have settled in his own mind that the hour, if not of its dissolution, at all events, for its dissolution, must be at hand."

Now, let their Lordships recollect that this despatch was received five weeks before the right hon. Gentleman brought forward his Budget. On the 15th of April, only three days before he submitted his financial statement to the House, the Earl of Clarendon had received from Colonel Rose, our Chargé d'Affaires at Constantinople, a despatch inclosing a Report from M. Doria, containing the following important statement:—

> "Prince Menchikoff had verbally expressed the Emperor's wish to enter into a secret treaty with Turkey, putting a fleet and 400,000 men at her disposal, if she ever needed aid against any Western Power whatever. That Russia further secretly demanded an addition to the treaty of Kainardji, whereby the Greek Church should be placed entirely under Russian protection, without reference to Turkey, which was to be the equivalent for the proffered aid above mentioned. Prince Menchikoff had stated the greatest secrecy must be maintained relative to this proposition, and that, should Turkey allow it to be made known to England, he and his mission would instantly quit Constantinople."

Vice Consul Cunningham, in a despatch received by the Earl of Clarendon on the same day, reports:—

> "That fresh orders have been received in Bessarabia to prepare for the passage of troops, and to get waggons ready for the transport of baggage,

It is said, and such appears to be the case from the amount of preparation ordered, and two *corps d'armée*, upwards of 120,000 men, will pass, and waggons are ordered to be ready for the 10th of May, O.S. Whenever orders are given to make preparations, the greatest secrecy is enjoined. Hitherto no troops, in addition to the five battalions mentioned in my last, have entered Bessarabia, but it is understood they are marching forward from all directions."

With reference to this intelligence, Colonel Rose added :—

> " The tenor of this Report, taken in consideration with that of the Vice Consul Yeames' last Report from Odessa, can leave, I think, no doubt as to the hostile nature of the intentions of the Russian Government."

Now it thus appeared that five weeks before the Budget was announced, Her Majesty's Government were warned of the probability of an impending war with Russia; and three days before the Budget that warning was repeated in the despatch of our Chargé d'Affaires at Constantinople. Yet in the face of those warnings the Chancellor of the Exchequer came down to the House of Commons and took off 2,000,000*l.* of taxes, and at the same time he endeavoured to make the public believe that the circumstances of the country, both at home and abroad, were such as to justify him in stating, that in seven years it was reasonable to suppose there would no longer be any necessity for the income tax. He (the Earl of Malmesbury) said that a Minister was not justified in acting by the country in such a manner. He considered such a course of policy reflected no honour upon that Government to which that Minister belonged; and, certainly, considering the point upon which the former Government had been ousted, he must say that, even if the absence of an individual Member would have been for the advantage of the nation, it did not appear to have been for its advantage that Mr. Disraeli should have been expelled from his office of Chancellor of the Exchequer, and Mr. Gladstone substituted. But what had happened since? War had been declared, notwithstanding the sanguine anticipations of the Prime Minister, who, up to the very last moment, had never ceased to murmur " Peace, peace ;" and that war was now raging in all its fury. Of course, the illusions of the Chancellor of the Exchequer at once vanished, and he now found himself obliged to come to the Houses of Parliament under totally different circumstances and ask for a totally different measure. And when he went down to the House of Commons, unless he (the Earl of Malmesbury) were misinformed, he stated not long ago that he believed that doubling the income tax would be sufficient, and he gave the impression to the country that the present generation would be fully enabled to bear the weight of the present war. In that respect he (the Earl of Malmesbury) must beg entirely to differ from the right hon. Gentleman; for, if this turned out to be such a war as he feared it would be, he did not think it would be just that the present generation should take upon itself the whole weight and burden. Posterity, in his opinion, was even more interested than ourselves in the issue of the present struggle; and believing, as he did, that the whole empire of Europe would belong and must belong to that Russian prince who was enabled to obtain possession of Constantinople, and hold it, he could not but believe that it was necessary for this country to spend both blood and treasure, even to the last soldier and the last shilling, in its defence. Certainly posterity was deeply interested in such a cause, and posterity would have no right to complain if it bore a portion of the burden entailed by the present struggle. If it was on any idea contrary to such a principle the Chancellor of the Exchequer had acted, he (the Earl of Malmesbury) must say it was adding a second delusion to the former one; but he believed that the Chancellor of the Exchequer was already convinced that such a state of things was impossible. The Chancellor of the Exchequer had now come down with a newly invented kind of loan. He (the Earl of Malmesbury) was not a financier, and it would be presumptuous in him to attempt to speak at any length upon such a subject before many noble Lords who had had great experience in finance; but it did appear to him, as it might to persons of the humblest capacity, that when they looked at the operations which had taken place with respect to the financial affairs of this year, they were capable of being described pretty nearly in this way :—The Chancellor of the Exchequer appeared to have paid off one kind of stock at par at 3 per cent, and had taken up another at 3½; he had paid off at par one month, and had been borrowing at the rate of 15 discount another month. Whether that was his error or his incapacity he left it for their Lordships to judge. As he had said before, he would not oppose the Motion, but confine himself to the few observations he had made.

Lord MONTEAGLE: My Lords, in performing the duties which I am about to undertake, I do not feel it necessary to follow the course of argument of the noble Earl (the Earl of Malmesbury) who has just sat down. The foreign policy of this country, and the conduct of Her Majesty's Government in the late negotiations, naturally press themselves upon the attention of a noble Lord who has himself filled the office of Foreign Secretary, and to whom that part of the subject is, therefore, peculiarly interesting and familiar. To me, from analogous reasons, it is more natural to call your Lordships' attention to the financial condition of the country—a matter still more essentially connected with the Bill under our consideration. I shall have occasion to bespeak your Lordships' kind indulgence, and I do so the more reluctantly, as being fully conscious how distasteful questions of taxation are to this House, how foreign they are to our ordinary deliberations, and how difficult it is at all times to fix your Lordships' attention to a Bill upon which no adverse vote is proposed. We are now called upon, contrary to our anticipations, to increase the most unpopular of all our taxes—a tax which we flattered ourselves had, last year, been placed by Parliament in a course of gradual reduction and ultimate extinction. In addition to any argument derived from the importance of this Bill in itself, I have also to ask your patient attention on another ground. I believe that the position in which the finances of the empire are now placed, is the most extraordinary and anomalous, I grieve to add the most critical, that we have known for very many years. This startling proposition it will be my task to explain.

In approaching the subject I must beg to guard myself against the supposition of meaning anything individually disrespectful to the right hon. Gentleman who occupies the difficult and responsible office of head of the financial affairs of the country. No one admires more heartily, no one admits more sincerely and unreservedly than I do, the pre-eminent ability, the commanding eloquence, and the excelling and attractive character and endowments of Mr. Gladstone. But, on that very account, I feel myself all the more at liberty to deal frankly with his measures, to consider the principles upon which they are founded, and the consequences to which they lead. If I, from mere personal considerations, were to hesitate in expressing my opinions unreservedly, I should only prove that I had formed an unjust estimate of the Minister whose policy I questioned, and that I forgot, or set aside, the obligations which, as a Member of the British Parliament, I owe to my country and to myself. It is because I feel a high respect for the Chancellor of the Exchequer that I am the more ready to discuss, with the freedom which becomes this Assembly, the financial measures of the present Session. Nay, though it may sound a paradox, whilst gladly recognising the great powers and unbounded Parliamentary influence of the Chancellor of the Exchequer, those high qualifications, in my judgment, augment the danger to be apprehended from some of his measures; and they ought to put your Lordships, and the Members of the other House of Parliament, upon their guard against his financial propositions. I quite admit that the charmer, if he charms not wisely, charms most effectively, for he persuades where he cannot convince. It is, therefore, some relief to me to think that, from the inconsistencies and contradictions upon which I shall have occasion to animadvert, it is scarcely possible to urge an objection against any one part of the Government policy, without having on my side the authority of the same Government in another part of their policy, and being thus enabled to justify, by the authority of the right hon. Gentleman himself, my opposition to his measures. For instance, the amount of the unfunded debt is at one period stated as an evil, and the reduction of that amount is described a public benefit. At the next turn we find the unfunded debt, previously reduced, again augmented to its former amount, or proposed to be raised to a still greater amount, under another name. Again, it has been proposed to adopt, as "the keystone of our system," the obligation of raising, within the year, the supplies wanting for the annual public services. The authority of great economical writers has been quoted in support of what I freely admit to be a noble proposition, wherever it is practical. This great aphorism has been recommended, not only on social and political, but upon moral grounds; yet, hardly were the words cold upon the lips which had uttered them, than we have witnessed a departure from the principle thus laid down, and a proposal made to create a debt of 6,000,000*l.*, and to throw this burden upon our posterity. On these grounds I not only find it difficult, for myself individually, to agree with these contradictory propositions, but I feel assured that it must be equally difficult for my noble Friends on the Treasury bench to do so. Whichever alternative we are induced, on conviction, to embrace, gives to each of us the benefit of the Chancellor of the Exchequer's authority, in favour of our conflicting opinions. I cannot, for the life of me, at once make it a cardinal point that the supplies should be raised within the year, and, at the same time, support and approve a measure having a tendency directly contradictory.

It is impossible to deny, that, in combination with many evidences of increasing prosperity, we have to struggle at the present with considerable financial difficulties. We find a surplus of income over our expenditure, yet our credit can hardly be considered to be in a satisfactory state. Our revenue augments, yet we are driven to propose new taxes. We seek to raise a small loan, but the capitalists repeatedly reject our proposals. These contrasts make the present position of the country a most remarkable one, the cause of which we are bound to review, as well as to investigate its probable consequences. It has been, unfortunately, made but too notorious, that a want of cordial feeling has existed during the last year between two great departments—the one within, and the other without, the State. I allude to the interruption of the *entente cordiale* between the Treasury and Threadneedle Street. This I sincerely regret. A good understanding between these two great contracting powers is of the highest public importance, provided it be not maintained by any improper attempts at coercion on the one hand, or by any undue subserviency on the other. No papers have yet been moved for or presented, showing the origin, or the decline and fall of this holy alliance; but, if the secret correspondence on the subject is ever produced, I cannot but suspect that the dispatches between the Bank and the Treasury will form an amusing pendant to the Russian diplomatic papers. Indeed, as if to render the likeness more correct—or, I might better say, the identity more striking—the secret memorandum of Count Nesselrode is rivalled by a memorandum equally confidential, of which, for the first time, I have lately heard, and which sets forth the engagements entered into between the Bank and a former Chancellor of the Exchequer.

The anomaly in our position, which I have already noticed, is, that, whilst we gladly recognise around us causes and evidences of prosperity, which continue and increase, many alarming circumstances of an opposite kind are also found to exist, combined with these favourable indications. The state of our public securities is far from satisfactory; our funds are not high; our Exchequer bills barely maintain their circulation at par, or at a small discount. The balances in the Exchequer are low, and our debt on deficiency bills has proportionally augmented. The returns of the Bank bullion and the reserve of notes are becoming more serious week by week. We are called upon at once to double the income tax and to incur an increased debt; yet, at the same time, we are triumphantly assured that we possess a surplus of income over expenditure, amounting to no less a sum than 3,500,000*l.* Let us inquire what is the cause of these strongly contrasted circumstances. Have we been exposed to any great commercial misfortunes checking our trade and paralysing our manufacturing industry? Quite the reverse. So far from there being any reason to doubt, or to regret, the policy of our late legislation, the experiment, it is now admitted, has signally succeeded. The principle of free trade, irrevocably adopted by both Houses of Parliament, has exhibited no one result to make the country hesitate in its adopted faith. On the contrary, all our measures of that character have succeeded beyond the hopes of the most sanguine. We have seen liberty given to commerce, we have seen the exchanges between nation and nation extending daily, our manufacturers are profitably employed, the consumer is largely relieved, no complaint is heard, no petitions are presented from the agricultural interest, who now recognise the fallacy of that doctrine which taught them that the prosperity of the manufacturers and that of the farmers of England could not coexist.

The state of our revenue is most satisfactory. Comparing the income of the year closing on the 5th of April, it shows an excess of income over the Chancellor of the Exchequer's estimate in 1853 of no less than 1,350,000*l.* The public expenditure for the same period has fallen below that estimate by 1,120,000*l.* Thus an improvement has taken place to the amount of 2,470,000*l.* Nor is the amount of this advance greater than the rapidity of its augmentation. The surplus of income which Mr. Gladstone estimated (March 6th) at 2,800,000*l.*, produced upon the 5th of August, 3,524,000*l.* It is true that some portion of this increase has arisen from anticipated payments of the property tax and of the tea duties, which would more naturally have entered into the revenue of the present year. But, making every just deduction, even after the repeal, in 1853, of taxes amounting to 2,000,000*l.* (the produce of the taxes concurrently imposed not exceeding 700,000*l.*), our revenues exhibits the unexampled prosperity I have described. I freely admit, in justice and in candour, that the Government are also entitled to claim some further allowance on account of their preparations for the apprehended war, and also on account of the deficient harvest, and its possible, though not well authenticated effects, on the amount of bullion at the Bank. To this may also be added the insurrection in China, which has diminished the tea duties. I give credit for these deductions, *valeant quantum*, but I have shown that it is not to them we can truly trace the extent of our financial derangements, which must be sought for in some other cause. That cause I shall now proceed to investigate.

I trace whatever is unsatisfactory in our present condition to the unfortunate manner in which the public debt has been dealt with during the course of the last year. This course I consider to have been unexampled; contrary alike to all experience, and to all general principles and authority. In explaining my meaning, I shall distinguish the case of the funded, from that of the unfunded debt, and shall deal first with the latter. At the commencement of the year 1853 the interest on Exchequer bills had been recently reduced by Mr. Disraeli to 1¼*d.* a day, being a very low rate of interest. On the 14th of February Mr. Gladstone gave notice of the still farther reduction of interest to 1*d.* a day, or 1½ per cent interest, which was carried into effect on the 11th of March. I believe that 1*l.* 10*s.*, or 1½ per cent interest, was a lower amount than had ever before been paid upon Exchequer bills. This March exchange of 1853 was, however, carried into effect successfully; 8,477,200*l.* in renewed bills were taken by the public. A similar reduction of interest was announced on the Exchequer bills exchangeable in June. The advertisement appeared on the 16th of May; the exchange took place on the 10th of June. But circumstances had changed even since March; what in spring was rash, was in summer mischievous. The consequence of the reduction of interest was immediate. Of the June bills, 3,134,000*l.* were required to be paid in money, and 5,890,000*l.* only were exchanged by the public for new bills.

It is here right to advert to the effect of these operations on the premium obtainable on Exchequer bills during these changes, the high premium being relied on by the Chancellor of the Exchequer in justification of his proceedings.

1853.	Jan. 1st to Jan. 6th . . .	73*s.* to 69*s.*
"	" 6th to " 20th . . .	72*s.* to 60*s.*
"	Feb. 14th	61*s.* to 50*s.*

The notice of the reduction of interest was given, be it remembered, on the 14th of February, and the effect on the premium already falling, was as follows:—

Feb. 15th	30*s.*
" 16th to 18th . .	25*s.* to 15*s.*
" 19th	10*s.* to par.
March 2nd	16*s.* to 5*s.*
" 3rd	3*s.*

On May 16th a further notice for the reduction of interest on the June bills appeared, and the price of Exchequer bills fluctuated from a discount of 3*s.*, 4*s.*, 7*s.*, 11*s.*, and 17*s.* per annum to a premium of 3*s.* or 5*s.* But even this miserable price was maintained only through the forcible interposition of the Government itself. Between the 5th and the 25th of May, the Chancellor of the Exchequer, acting on behalf of the savings banks, became a large purchaser of these depreciated securities. In nine days the sum of 380,000*l.* was expended on behalf of the trustees of the savings banks, and 57,000*l.* for the sinking fund. In the quarter ending October, a further sum of 866,000*l.* was invested in like manner. It is therefore clear that, had it not been for this artificial support, the Exchequer bills would not have been saleable at all.

But it is necessary to inquire into other concurrent circumstances which afford the means of judging how far these successive reductions of interest were or were not prudent. The value of money in the market is best shown by the rate of discount charged at the Bank of England, which stood as follows in 1853:—

1853.	Jan. 1st	2 per cent.
„	„ 7th	2½ „
„	„ 20th . . .	3 „
„	June 2nd . . .	3½ „
„	Sept. 2nd . . .	4 „
„	„ 15th	4½ „
„	„ 29th . . .	5 „

It is thus shown that the value of money was steadily and invariably progressive for nine months; neither was there anything in the price of Consols which led to any different conclusion. The bullion in the Bank had also been reduced between January and July, 1853, from 19,151,000*l.* to 17,889,000*l.* in July, and in October to 15,202,000*l.* Thus, it will be seen that whilst the value of money was rising, the Treasury persevered in reducing, to an unexampled pitch, the interest payable on Exchequer bills. The result was, as has already been shown, a demand in money for 3,134,000*l.* of Exchequer bills brought in. It is not improbable that, if the Treasury had been content to let well alone, these Exchequer bills might have floated at their original interest, and the public balances would not have been drained to the amount of 3,134,000*l.* paid off; but a consequence followed still more dangerous. A general discredit was cast upon these securities by the course so injudiciously resorted to, which discredit these securities have never since recovered. It is, indeed, quite true, that the holders of Exchequer bills have no right to expect that the Chancellor of the Exchequer should maintain the unfunded debt at a high premium, for their exclusive advantage. They, like all other dealers in public securities, are, and must be, liable to the fluctuations of the money market; but, up to the time of the present Administration, the holders had one incidental security, resting upon all experience from the days of William III. and of Halifax, to the present time. It had never been the practice to vary the interest on Exchequer bills inversely to the fluctuating value of money in the market. This seemed to give an undoubted guarantee against so extraordinary a measure as that of the Chancellor of the Exchequer. Holders of these securities could not have been prepared for an unexampled reduction in the interest of Exchequer bills, at a time when the value of money was steadily increasing, as exhibited at the Bank and the Stock Exchange. It is this which has shaken the credit of the unfunded debt, and has compelled the Chancellor of the Exchequer to endeavour, though ineffectually, to support the Exchequer bill market by a large expenditure of savings bank and sinking fund monies. A somewhat singular justification has, however, been attempted for these proceedings. It has been discovered officially, as it appears, that the amount of outstanding Exchequer bills was in excess, and that to pay off and cancel bills to the extent of above 3,000,000*l.* was a great stroke of financial wisdom. This supposed excess in the amount of bills was scarcely reconcilable with the high rate of premium on such bills, so much complained of; but, even assuming the allegation to be true, it is necessary to inquire whether the measure was successful for its declared object? No such thing. 3,000,000*l.* of Exchequer bills were paid off, as I have shown, in June; but with what result? Why, that between the 17th of October and the 31st of December, precisely the same amount of bills—namely, 3,000,000*l.*—were reissued for the public service, at an interest increased to three per cent, or to an amount double that which had been originally paid. These new bills were put into circulation, and disposed of in a manner to prove abundantly the critical nature of the transaction. These impolitic proceedings could hardly fail to have inflicted a formidable blow on public credit. I agree that it may be at times desirable to reduce the unfunded debt. I agree, also, that the interest should be reduced when the general value of money has fallen; but it is surely a principle of financial policy to preserve the elasticity of the Exchequer bill market, so as to admit of the use of these securities, to meet any temporary exigency. More has been done in the last year to damage these securities than in the century and a half preceding. We have been compelled to raise the interest to three per cent, and even at that rate these securities are heavy, and the event of the June exchange is left uncertain. Such were the proceedings taken with respect to the unfunded debt—proceedings which I find it impossible to justify, and difficult to comprehend.

Nor were the steps taken in relation to the funded debt less extraordinary and mischievous than those I have described. I now allude to the measures for the conversion of the South Sea debt, and to the consequences which those measures produced. I should willingly escape this part of the subject; but it is indispensable to consider it, in order to pronounce justly upon our present condition, its immediate causes, or probable consequences. My Lords, it is never an agreeable, and it is often an ungenerous, act, to claim credit for the fulfilment of our anticipations of evil. From the days of Calchas to the present, "prophets of ill" have been uniformly unpopular. I have no ambition that way; besides, it is admitted, even by the party bound to feel a paternal interest in the conversion scheme, that it has proved "abortive." Had it been "abortive" only, it should have been passed over by me; but I am prepared to show that it has been not only "abortive," but actively mischievous. It is not the first time that public measures deserve justly to be designated in the words of my late ingenious friend, Mr. Luttrell,—

> "For every evil purpose strong,
> And mischievous for every good one."

The conversion of the South Sea stock, to which I called your Lordships' attention on the 5th of May, 1853, presents one striking peculiarity. It was wholly gratuitous on the part of the Government; it was neither called for, nor expected, by the fundholder, by Parliament, or by the public. It took the whole world by surprise. No complaint was made by the South Sea proprietors. The Treasury had offered to those proprietors three alternatives; "the fancy of the stock market" was excited, and was proposed to be gratified by the tender of an augmented capital at a lower interest, a diminished capital at a higher interest, or by a new species of security, entitled an Exchequer bond, payable forty years after date. But to the attractions of these several proposals the monied interest manifested a most uncomplimentary indifference. In place of commuting 11,133,210*l.* 12*s.* of South Sea stock, the sum of 3,063,906*l.* only was so commuted; and a capital of 8,069,303*l.* has been redeemed on the inconvenient terms of being paid off in money. What was still more trying was that the Exchequer bonds for 30,000,000*l.*, which it was anticipated the public would eagerly take, and increase by a further and wholly unlimited demand, led to no result more brilliant than the creation of bonds for 440,000*l.*, or less than one-sixtieth of the minimum amount anticipated. I plead guilty to so much of personal selfishness as to rejoice at having been relieved from the official labours which would have devolved on me as Comptroller General, in signing these securities; but the preparations were industriously made, reams of patent paper were manufactured, and plates engraved by eminent artists. Where we can now find such of these securities as have been issued I know not. I have never observed a quotation of their price in the City articles of the daily journals. I doubt whether they have obtained any currency on the Stock Exchange; but I do hope that, as financial curiosities, a few copies may be preserved among the archives of the British Museum, as likely to become interesting to the curious in future times. I have said that these Government proposals were not invited by the South Sea proprietors; yet had those gentlemen fully anticipated the brilliant future which the Chancellor of the Exchequer opened to them, of his own mere motion, they would, in thankfulness, have bent upon their knees before him. Not accepting any one of the three fanciful offers of the Treasury, they became entitled to demand money for their stock at par. The result was, that, in addition to the 3,000,000*l.* already paid for Exchequer bills, a further sum of 8,048,000*l.* was required by the holders of South Sea stock. Thus, being paid off, at par, their 100*l.* in the morning, they were enabled before night to re-invest in three per cents at about ten per cent profit on their capital. I cannot but congratulate these fortunate fundholders at the gratuitous boon so unexpectedly conferred upon them. I have no doubt that they are most worthy and respectable persons, who will turn the wealth granted to them to the best account. One great corporation, with which I have the honour of being connected, have come, I much rejoice to say, within this privileged class. By the bequest of the late Viscount Fitzwilliam, the University of Cambridge became a considerable holder of South Sea stock. After the announcement of the Government plan, I was asked my opinion by some learned friends connected with the University, respecting the resolution most expedient to be adopted by them. I did not venture to recommend an acceptance of the proposals of the Chancellor of the Exchequer, but rather suggested that the University should bide its time, and stand still, waiting events. The decision adopted by the University did not differ from the suggestion I had made to my learned Friends; and the trustees of the Fitzwilliam Museum, to their satisfaction and to mine, have added nine or ten thousand pounds to the funds of their noble institution. I am confident they will never forget the noble-hearted statesman to whom they owe so much. Whatever may be their apprehensions of his proposed University measures, I feel confident that, in the commemoration of our benefactor, we shall always toast the Minister who, unasked, has given us 9,000*l.* for University purposes.

It now behoves your Lordships to inquire seriously what has been the result upon the resources of the country of this enormous drain upon the reduction of the Exchequer balances. I have shown that our difficulties are not connected either with an increased expenditure or a diminished receipt. I trace them to a far different source. I attribute them, as I have stated already, to the operations of the Government on our public debt, and I fear that the measures now proposed will only tend to aggravate those difficulties still more. This is, however, a matter which should rest on evidence, not on assertion. The demonstration upon which I am about to enter may, I am aware, appear dry and uninteresting. This House is not accustomed to give a very minute attention to financial details; it is, however, our unquestioned right, and it may be our imperative duty to discuss them. I consider this to be the case, on the present occasion. From such of your Lordships as are familiar with the facts I must ask an indulgent toleration, whilst I repeat that of which they are well informed. From others, to whom the subject is novel, I must entreat a patient hearing, whilst I explain the somewhat complicated facts of the case. This will enable both classes to decide whether my arguments are solid or fallacious, and will test how those arguments ought to be dealt with, and regarded, by the House and by the public.

The revenue received during each quarter stands nominally in the custody of Her Majesty's Exchequer. In reality, though placed to my credit, it lies in a much safer place of deposit—namely, in the Bank of England. Till within the present time your Lordships have possibly partaken in that general prejudice which has existed in favour of preserving a large available balance, as a matter not wholly unimportant to the public credit. You may have been led astray by what is now thought to be a vulgar delusion, that for nations, as well as for individuals, it is desirable and advantageous, more particularly in a fluctuating state of affairs, where income is uncertain and expenditure heavy, that an abundant balance should be reserved at our bankers. I remember well that the late Sir Francis Baring (grandfather of a noble Friend who sits near me, Lord Ashburton) advised a near relative of my own to keep constantly at his command a floating balance of 100,000*l.* for contingencies. "You know not when this money may be required, or how it may be made available," observed the sagacious merchant. My kinsman replied, "I quite concur in your advice, and shall certainly keep the 100,000*l.*, as you suggest, whenever I can get it." The counsel, and the reply, have hitherto appeared to me alike reasonable; but our Chancellor of the Exchequer has unfortunately acted upon a principle in opposition to that recommended by Sir F. Baring. He possessed, till lately, a large available balance; but he seems to have considered it a nuisance, of which it was expedient to rid himself, at the very time when it was most required for the public service. The Exchequer balance in April, 1853, amounted to 7,800,000*l.* In April, 1854, it was reduced to 2,700,000*l.*, showing a diminution of upwards of 5,000,000*l.* At no former period was this result more to be regretted than at the present, when the exigencies of a just war have required the exertion of all the powers of the State, financial as well as military. We have seen our brave army marching forward for the defence of the weak against the strong; we have seen our fleets bearing the flag of England to the Black Sea and to the Baltic, in vindication of the cause of truth, in defence of the independence of nations, and in maintenance of the balance of power in Europe. The acclamations of the people have accompanied the advance of their protectors. We have also seen that which was still more sublime and more touching than any movements of fleets and armies. We have seen the congregated multitude in our land on their bended knees before the Dispenser of all good, praying for protection, victory, and an honourable peace, and praying with a more humble confidence because they felt assured that our cause was just and our motives disinterested.

My Lords, far be it for me to suggest that mere pecuniary considerations, or any financial triumph, can be compared with the more elevated and holier thoughts to which I have ventured to allude. In a subordinate degree, however, I cannot help thinking that the possession of the available cash balance of 5,000,000*l.*, applicable to the duties which we now have in hand, was not wholly to be despised. It would have added to the strength of England, it would have augmented our military and naval superiority; and, I may even hint, it would not have lessened the efficacy of the diplomatic interposition of my noble Friend the Secretary of State (Lord Clarendon). If we had preserved that 5,000,000*l.*, how different would have been the tone of the present discussion in Parliament, how striking the contrast on the Continent between the inconvertible paper of Russia, the depreciated currency of Austria, the expensive loans of other European countries, and the strength and independence of England resulting from our prudent forethought and accumulation, and supported, as it would have been, by the cheerful readiness of Parliament to vote new taxes if required.

A somewhat singular discovery had, however, been made. We are in the days of such discoveries. In justification of this voluntary reduction of our national resources, it has been said that it was fortunate we possessed no larger balance at the Bank at the present time; for if Parliament had possessed a control over such a balance, we are assured that the country would have shrunk from the demands made upon it, and would have refused to grant the further Ways and Means required to support the exigencies of the war. I reject altogether this supposition, and reject it not without some indignation. Among our causes for just national pride, the conduct of Parliament, and especially of the House of Commons, is not the least memorable. May it ever be so! The present war is one in favour of which the people are in advance of the House of Commons, and Parliament is in advance of the Government. Never has there been more unanimity displayed among the people, and such an absence of party feeling in both Houses, than in making the requisite provision for carrying on the war. The Government, too, have earnestly discharged their functions. The House of Commons voted, without hesitation or division, a sum of 4,315,000*l.*, in addition to the ordinary estimates for the year. All that had hitherto been required for our Army, Navy, and Ordnance, has been freely supplied, to vindicate the righteous cause in which we are engaged. By this generous course the House of Commons have given a noble refutation to the unworthy estimate of their public spirit formed by the Emperor of Russia. It seems that the northern Autocrat treats our reformed representation as having given us a *bourgeois* Parliament, unlikely in any circumstances to support the expense of a war, and insensible to our national honour. If by a *bourgeois* Parliament the Emperor means a House which owes its origin and its main responsibility to a constituency formed of the middle classes, it has now been shown that such a Parliament is not inclined to shrink from any sacrifices when the honour, the dignity, and the real interests of their country are at stake. It is true that, having wasted balances which would have provided abundant resources for every present want, till the new taxes should become productive, we have been compelled to resort to the more vulgar method of running in debt. The increased property tax, which was the mode recommended for meeting the war expenditure, could not be relied upon for some months to come. Parliament therefore voted all that was asked of them, 1,750,000*l.* in Exchequer bills, as a species of vote of credit. This is not proposed to be added permanently to the general unfunded debt, but to be used as a temporary advance to meet the opening of the war. These bills are chargeable, as I understand, upon the income of the year, and the balance of the public accounts would, after providing for our armaments, have still exhibited a surplus of about half a million. It must not be forgotten that the whole of these calculations were based upon an estimated additional war expenditure, exceeding by 4,300,000*l.* the ordinary supplies in time of peace. We did not then make provision for a state of peace to be completed hereafter by supplemental measures into a provision for a state of war. We voted a war expenditure, and after doing so even furnished a surplus. The calculations showed a sum of 1,000,000*l.* for the extraordinary expenses of the Army; an additional sum of 832,000*l.* for the land forces; for the Navy, 1,253,000*l.*; for the Ordnance, 793,000*l.*; for the Commissariat, 88,000*l.*; and for miscellaneous services, 299,000*l.* This, undoubtedly, was a war Budget, if ever a war Budget has been framed. I am far from suggesting that the Government pledged themselves that this estimate might not be exceeded. It would not have been wise on their part to have done so, or reasonable in the House to have required it. If unforeseen circumstances should demand greater disbursements, let the Government come down to Parliament and state their case. Parliament will then, I feel confident, be as ready and willing as it had already proved itself to be, to contribute the fullest amount necessary to meet the public exigencies. But do not let the Government, in order to justify increased future Estimates, assert that the Budget already voted was a peace Budget, and that additional votes are demanded to provide a war Budget. Let the additional demands made upon the public rest upon their true basis, and the House of Commons will not fail to do its duty. Four millions had already been granted for the Russian war. The vote of 1,750,000*l.* in Exchequer bills being calculated to give immediate activity to the ways and means provided by the new taxes, this operation was of the nature of a discount of a security due at a future time. This, be it remembered, would have been altogether needless had it not been for the waste of the Exchequer balance produced by the failure of the Chancellor of the Exchequer's scheme for converting the South Sea securities.

But the mischief has gone further, and it now becomes my duty to call your Lordships' attention to the relation existing between the state of the public balance, the Bank of England, and the trade and commercial credit of the country.

Here it should be kept in mind that, whilst the receipt of revenue is daily and continuous, and the lodgments made to the Comptroller General's account at the Bank take place three times in each week, the heaviest demands upon the public, the interest of the debt, the civil list, the judicial and diplomatic salaries, with many other charges of the same kind, become due on the quarter days in January, April, July, and October. If the Exchequer balances on these quarter days are adequate to meet the whole charge on the Consolidated Fund, no difficulty can arise, nor is any advance required from the Bank of England. The dividends are then paid from the balance, and the growing produce of revenue goes to the current expenditure, and to accumulate a balance for the following quarter. This occurred in 1847, 1848, 1849, 1850, 1851, and 1852, during which years the balances occasionally amounted to 7,000,000*l.*, 8,000,000*l.*, and even, on one occasion, to 9,000,000*l.* But the case is far otherwise when the public balances have fallen to a low figure. Assuming a case like that of the 5th of April, 1854, the cash balance amounted only to 2,040,255*l.* 17*s.* 3*d.*, and the charges to be provided for, including debt and sinking fund, required no less than 7,437,676*l.* 15*s.* 9*d.* The amount wanting to meet our requirement was struck by the Treasury at 5,397,420*l.* 18*s.* 6*d.* Deficiency bills (being Exchequer bills made out in large sums payable to the Bank of England or order, and never put into general circulation) were authorised to be issued. The amount represented by such securities is transferred by the Bank to the credit of the Exchequer account, and the necessary payments follow in course. In the meanwhile the growing produce of the revenue is from time to time applied in discharge of these deficiency bills, which are taken up and cancelled. It thus follows that, according as the balances in the Exchequer are found to be insufficient to meet the charge on the Consolidated Fund, a proportionate amount of deficiency bills is issued as securities to the Bank, from which body a temporary loan is made equal to the amount of the deficiency to be made up. The result is that the Bank has a direct interest in the state of the Exchequer balances; because, though a Government loan on deficiency bills may occasionally bring with it some pecuniary advantage to the Bank, yet at other periods it may be felt as a serious inconvenience. The interest charged on deficiency bills is generally extremely moderate, and below the interest on ordinary Exchequer bills. In the olden times the Bank possessed the power to act at their own discretion, and had generally a disposition to meet the wants of the Government in this respect. But by the Bank Act of 1844 the position of the Bank was altogether changed. That Statute placed the Bank under severe, and (as is considered by some high authorities) most salutary restrictions, prohibiting the issue of circulating paper beyond the amount of the reserve of notes. Now, let it be supposed that the amount of such reserve was 2,000,000*l.* only, and that the Government necessities required an issue of 4,000,000*l.* on deficiency bills: the resources of the Bank would thus be below the Government requirements by a sum of 2,000,000*l.* What could be done to meet such an exigency? In order to be enabled to comply with the demands of the Government, the Bank would necessarily be driven to place a restriction upon commercial discounts. They would limit their amount or their duration, and, by running off their private securities, and by withholding capital from the commerce of the country, they would obtain a power of satisfying the political demands of the Government. This is no imaginary hypothesis, as will appear most clearly by a reference to the proceedings of your Lordships' Committee of 1847, where the whole subject was carefully sifted. It is true that the report of the Committee in that year, so far from meeting the assent of the Government of the day, was opposed by them, acting in combination with many of their political opponents and predecessors. It was, however, carried by a majority of independent Peers, and I trust it will not on that account forfeit its claims to your Lordships' confidence. That Report stated the question which I am now discussing, in the following clear and intelligible manner:—

> "On the advances from the Bank the dividends and the public credit may to a considerable extent depend, and any interruption in the performance of these engagements would be attended with the most serious consequences. Their bearing on the Act of 1844 is shown in the evidence of the Governor of the Bank and of other witnesses."

I will not rely upon the evidence of witnesses opposed to the Bill of 1844, however conclusive that evidence may be. I prefer mainly to rest on the authority of others who were the most favourable to that Act. The Governor of the Bank was asked:—

> Q. 362. "In October, 1847, there were no deficiency bills. In October, 1846, there were such bills to the extent of 3,466,000*l.*; in January, 1843, they amounted to 8,560,000*l.* If there had been a demand upon the Bank in October, 1847, for the ordinary amount of deficiency bills, in what condition would the Bank reserve have stood?"

The answer given was:—

> "If we thought such bills would have been required, we should have lent money for such a period as to enable us to make an advance upon the deficiency bills out of the money that would be returned to us by the public."

The Report then continued:—

> "The effect would thus have been, that, had deficiency bills been required in October, 1847, the amount of accommodation then given to commerce must have been considerably lessened in amount, or limited in duration; the increased pressure and panic which such an operation could not have failed to create may easily be inferred from the preceding parts of this Report."

This question is so important, and is so vitally connected with the operation of the Act of 1844, that it is necessary to pursue it further. The immediate effect of such a demand for Treasury advances is admitted by the Governors of the Bank:—

> Q. 365. "The means of meeting these deficiency bills would then have been, that by so arranging your securities you would have taken out of the hands of the public a sufficient sum to meet the advance to the Government?"—A. "Certainly."

If I were not unwilling to occupy further your Lordships' attention upon this part of the subject, I could refer to much additional evidence. The experience and scientific knowledge of one who is, I rejoice to know, a Member of this House, but who was then examined as Mr. Samuel Jones Lloyd, is entitled to peculiar weight. That of Mr. Norman and Mr. Cotton was to the same effect, and is, I need hardly add, of high authority. The latter gentleman, being himself a leading Bank director, observed:—

> "If you had not money in the till to pay the dividends when we advanced upon deficiency bills, we must have reduced our other securities. When I say the amount in the till, I mean a surplus amount."

It can hardly be denied therefore, that, to carry into effect the Act of 1844, it is absolutely necessary for the Treasury to keep at command adequate Exchequer balances. If those balances are to be largely and habitually reduced, it will be found inconsistent with the safe working of that Act. The low balances, produced by the financial policy of the last year, must have been injurious to the Bank and to the public, and, if persevered in, must tend to cripple the commercial interests of England. It is true that Parliament has been assured that no difficulty existed on the part of the Bank in making these advances on deficiency bills; we are assured by the Chancellor of the Exchequer, on the contrary, that this operation is profitable and agreeable to the authorities of Threadneedle Street. Mr. Tompson Hankey, the late Governor of the Bank, is, however, of a different opinion. On the 23rd of March he observed that—

> "Mr. Gladstone had stated that when the Government borrowed money on deficiency bills it was a source of no inconvenience to the Bank; but, on the contrary, was rather an advantage. With the greatest deference to the judgment and abilities of the right hon. Gentleman, he felt bound to express a totally different opinion. It might be convenient and even advantageous to make such advances when money was plentiful, but that was very different from being under the necessity of lending money to the Chancellor of the Exchequer under circumstances which might oblige him to ask for that accommodation. At the present there were strong indications of a rise in the value of money, and he feared that the right hon. Gentleman had understated his requirements."

Mr. Thomas Baring confirmed all these

anticipations on the 12th of April. From his position as a leading merchant, as a bank director, and as a gentleman of high intellectual superiority, the following declaration, made by him in the House of Commons, is entitled to the most respectful attention:—

> "He could see no cause for alarm or apprehension, except by mismanagement; and, after all that had passed, he trusted that the Chancellor of the Exchequer would, in future, show more prudence than had been displayed in the last year. . . . . It should be remembered, before making deficiency bills the basis of our system, that circumstances might arise which no Government could foresee; in which assistance, if demanded from the Bank, could not be afforded without interfering very largely, under the present banking system, with the condition of the banking community. If the Act of 1844 was to be fairly tried, the Government must not resort to the system of keeping small balances, and obtaining the aid of the Bank by deficiency bills. Great injury would arise to public credit if the system of relying on advances from the Bank were resorted to. He protested against it, as a policy fraught with danger to the financial prosperity of the country."

I earnestly entreat your Lordships to consider calmly the facts which I have laid before you. I have proved that the lowering of the Exchequer balance had, of necessity, the effect of increasing the demands of the Government upon the Bank. I have proved that such increase created the risk of casting a pressure upon the commerce of the country. I have proved that both these consequences were connected with the unfortunate financial operations of the last year. I have laid before you the anticipations of the Committee of 1847. The evidence then given by Mr. Prescott, Mr. Morris, Mr. Lloyd, Mr. Norman, and Mr. Cotton, confirms the views of the Committee. Seven years after this inquiry, I have shown you that the same opinions have been reiterated by Mr. Thomas Baring and Mr. Thomson Hankey. Can I be called upon, or is it possible, to increase the force of such a demonstration?

But other parts of the question require observation. The mode in which the public debt, the sinking fund, and the resources of the savings banks have been employed, cannot be excluded from the notice of your Lordships. In the observations which I am now about to make, I disclaim altogether attributing to the Government a violation of the law; I question, however, the use which they have made of the discretionary powers vested in them by a Statute of doubtful policy. The ordinary Exchequer bill is, as your Lordships are aware, a Government security, current for twelve months, and at maturity generally exchanged for new bills, or paid off in money. If left unpaid, it is receivable in taxes at par. There are also two other classes of the same securities, the nature of which, with your Lordships' permission, I shall proceed to explain. There are the deficiency bills, to which I have already adverted, passed to the Bank, under the 57 *Geo.* III. (48), as a security for advances, and charged on the growing produce of the current quarter. There is also a third class of securities, commonly described as consolidated fund bills, issued under the 16 and 17 *Vict.* (c. 110), which are chargeable, not on the current quarter, but on the quarter next ensuing. They resemble, in fact, the ordinary deficiency bills, except that they are payable at a longer date. In the absence of any arrangement made with the Bank to take up these securities, and in the event of a difficulty of disposing advantageously of Exchequer bills in the market, the sinking fund and the resources of the savings banks have been largely resorted to in support of the proceedings of the Government. Your Lordships are aware that the sinking fund has of late years produced a very considerable annual sum applicable to the reduction of the national debt; but at various times this fund has been applied, not for the purchase or extinction of stock, but for the purchase of deficiency bills. The sum of deficiency bills so purchased in 1853 amounted to 1,500,000*l.*, and, in the April and current quarters of the present year, amounted to 1,625,732*l.*, these purchases being made by the sinking fund. The result of this operation is practically to increase the balance in the Exchequer, and, by diverting the sinking fund from its more immediate objects, and applying it in aid of the general expenditure. This has been done largely. The ordinary supply bills have also been purchased by means of the sinking fund. Similar purchases have likewise been made on account of the trustees of savings banks. These purchases amounted between the 5th May, and the 26th November, 1853, to 1,247,000*l*, together with 550,000*l.* in February and March. Your Lordships will be pleased to distinguish between two funds held by the trustees of the savings banks. The one consists of the deposits in cash paid in by the contributors, which the trustees are bound to invest either in funded or unfunded securities; the other is the capital stock already invested and held by them. I quite admit that, in regard to these deposits the trustees are fully justified in exercising their discretion, and in selecting the securities which they prefer, whether funded or unfunded. I admit, likewise, that, in making their selection, they are fully justified in considering the convenience and the interests of the Government. But much more than this has been done. Not only have the deposits been invested, but the capital stock held on account of the savings banks has been sold out and realised in cash; the value received for such stock has then been invested in the purchase of Exchequer bills for the purpose of sustaining a depressed market; and those Exchequer bills have afterwards been converted into new stock, without the previous knowledge, though not without the general authority, of Parliament. The 9 *Geo. IV.*, c. 92, gives a warrant for the proceeding; but such an interference with the market may be carried to an enormous and dangerous extent. The savings bank funded property has in three years increased from 32,000,000*l.* to 35,000,000*l.* If this great sum were to be applied to similar operations in the stock market, the steady value of the public securities would not be safe, the money market being made liable to artificial fluctuation, produced by the acts of the Government. Whilst I recognise the legality of this course, sanctioned as it is by law as well as by successive high authorities, I very much doubt the expediency of the practice, unless in cases of great emergency. Consolidated fund bills have also been purchased in a similar manner, though not funded. 550,000*l.* of these securities are held by the savings banks, and 240,000*l.* by the Bank of England. This has gone on for a considerable time; yet even this questionable assistance did not restore the value of Exchequer bills, or prevent the Exchequer balance from being reduced to the small sum I have already stated. This reduction, it must be ever borne in mind, had been produced, not from any falling off of the revenue, nor yet from any great increase of the ordinary expenditure. It was a consequence of the unfortunate interference with the public debt in 1853. To meet this difficulty, by applying the sinking fund, not in the payment of permanent debt, but to remedy the mistake of the Government, and to avert the consequence of their own act, was hardly dealing fairly and justly with the exigency of the case.

I congratulate your Lordships that I now approach the last topic on which I am compelled to trouble you. I have already endeavoured to show the danger arising from the trial of any inconsiderate experiments upon the public funds. I apprehend the repetition of this danger. A new plan is now proposed of raising farther ways and means, to the amount of 6,000,000*l.*; and I am compelled to state that I consider the new scheme of borrowing to be full of risk, if it should be carried into effect. Before considering it in detail, I must remind your Lordships that no declaration had been more emphatically and repeatedly made, by high official authority, than that which has affirmed the intention and obligation of raising the supplies within the year. It is so material that I should avoid all inaccuracy on this point, that I must beg leave to refer to the original words used. I find it reported that the Chancellor of the Exchequer stated, on the 6th of March:—

> "To resort to the money market for a loan would be a course not required by our necessities, and therefore not worthy of our adoption."

On the 22nd of March, the right hon. Gentleman again observed:—

> "Much had been said to disparage the raising supplies for the war in the year; but he hoped that nothing which had been said would induce the House to depart from that principle, sound upon moral, as well as economical considerations. The House should adhere to the very utmost of its power, to the valuable principle of raising supplies within the year."

On the 12th of April the right hon. Gentleman is reported to have used language still more conclusive:—

> "It is probable that some portion of the remaining amount of 1,750,000*l.* Exchequer bills may be issued from time to time, but I have no reason at present to expect that it will be necessary for me to apply to Parliament for any further grant of Exchequer bills this Session. The keystone of my system is invariably to ask the House to provide an income which will more than meet the expenditure of the year."

I have thus given your Lordships the repeated and consistent declarations made on the 6th of March, the 22nd of March, and on the 12th of April. On the 21st of April, when Parliament was not sitting, I was astounded to read an official notice in the *Gazette*, informing the world that an additional sum of 6,000,000*l.* would be required without delay; and that it was sought to be borrowed in the very manner which the three previous declarations of the Chancellor of the Exchequer had repudiated as contrary to moral principle, and as inexpedient on political and on economical grounds. I have heard it hinted that this demand on the public ought not to be considered as a loan. What, then, is it? It is undeniable that we are invited to raise a sum of money intended to be repaid in three series of 2,000,000*l.* cash in the years 1858, 1859, and 1860. In that last year it was anticipated by the Goverment that the 6,000,000*l.* would be paid off; but it was not one whit the less a loan on that account. The object was undeniably to borrow 6,000,000*l.* and to tax those who were living in 1858, 1859, and 1860, for the benefit of ourselves. I feel perfectly certain that no injustice would be greater than to attribute to the Chancellor of the Exchequer, when he disclaimed, on the 12th of April, any present intention of raising money by means of Exchequer bills, an *arrière pensée* of raising 6,000,000*l.* by Exchequer bonds. The idea is so inconsistent with the known integrity and uprightness of his character that I hold it to be due to him, indeed and due to myself, to reject it with indignation. The public will, however, expect to be informed what has occurred between the 12th and 21st of April to justify so great a deviation from the original resolution announced to Parliament. But to proceed.

I have already shown your Lordships not only the dangers but the mischiefs which resulted in 1853 from dealing capriciously with the public debt of the country. I regret to say that I see still greater danger in the mode in which the present loan is proposed to be raised. What is the proposition of the Treasury? A loan of 6,000,000*l.* is to be raised, and raised under a covenant wholly unprecedented, as I believe; namely, on the security of three equal instalments to be repaid by the public in 1858, 1859, and 1860. Now, whilst admitting the great abilities of the Chancellor of the Exchequer, and giving my full confidence to the Government for wisdom and uprightness of intention, I am not disposed to recognise them as prophets as well as statesmen. I may be excused for the remark that, even with a nobleman at the head of affairs, who from birth and ancestry may claim the power of second sight, I doubt whether the Cabinet can pretend to inform us in what position the country will be placed in the years 1858, 1859, and 1860. We may find ourselves at that period in a crisis like the present, and struggling with events similar to those which have now driven us to abandon our most steadfast and most wisely conceived pre-determinations; yet Parliament is invited to cast upon each of these three unfortunate years, empirically selected, in addition to all these ordinary demands for the public service, the heavy obligation of raising a further sum of 2,000,000*l.* per annum, and this for the purpose of fulfilling engagements into which we are required by the Government to enter. If your Lordships seek a conclusive test of the expediency of this measure, let me take the liberty of putting to you one question. How should we now stand if those who have preceded us had, ten years ago, placed an additional burden of 2,000,000*l.* on each of the years 1854, 1855, and 1856. If, at a moment like the present, when called upon to meet the charges of a war, to double the property tax, and to make those mighty efforts which the circumstances of the times imperatively require, we found ourselves also bound to repay 2,000,000*l.* sterling of debt during the present year, knowing, also, that a similar amount was required in the two following years, in what condition should we now be placed? I ask the boldest and the wisest among you to favour me with a reply.

I have carefully abstained from making one single observation on the expediency of the loan as bearing on the interests of the lender. I have confined myself exclusively to the question of its public policy. The proposals of the Government may possibly be accepted, for they may be offered on conditions rendering the new loan an advantageous investment. Whether it can be rendered profitable and acceptable to the lenders, and acceptable and at the same time profitable to the country, is a question on which I will not enter, as I am unwilling to drop one word which may be interpreted as throwing any impediment on the proposals now pending. I should much rather have been spared the necessity of touching on this subject at all for the present; but the Bill before us has been moved on the part of the Government, and it would have been manifestly impossible to discuss this legislative measure without considering, at the same time, those supplementary arrangements by which this measure is to be accompanied. Parliament is asked to vote additional supplies. Parliament is asked to vote ways and means to provide for such additional supplies. For my part, I am ready to vote for both. I foresee no proposal which the Government can make towards the vigorous conduct of the war which I shall not be ready to support. But, nevertheless, it is our duty to consider, and to discuss frankly, but candidly, whether the mode proposed for the accomplishment of this object is the wisest and the most efficient which could have been devised. The financial proceedings of the last year have occasioned our greatest difficulty: the mode of raising money now suggested will, I fear, increase that difficulty; yet, in pointing out that fact to your Lordships, it is far from my intention to countenance so transparent a fallacy as one of which I have lately heard much. It has been stated, in a manner calculated to raise some disquiet, that the public indebtedness of England is not only greater than that of France, but of all European countries taken together; greater, perhaps, than the whole obligations of the continents of Europe and of America united. Surely such an observation is misplaced, and is calculated to produce unreasonable apprehension. It is obviously fallacious to measure the indebtedness of any country by the positive amount of its debt. It can only be fairly judged of by its relative amount; that is, by the proportion which the debt bears to the property on which it is charged. A small burden may be more oppressive to a poor state, than a heavy debt to a rich and prosperous empire. Enormous as is the national debt of England, when it is compared with our great and rapidly increasing pecuniary resources, we ought not to consider it as any very alarming burden. Unpopular as it is to say so, and paradoxical as it may sound in some ears, I believe that England is taxed more lightly than almost any other European State. It is my conviction that our public burdens weigh less on the energies and comforts of our people, and at the same time afford better security to the public creditor than can be shown in any of the old countries of Europe, or in the new ones beyond the Atlantic. But we ought not to forget that, as I have formerly urged in this house, "stability and repose are the primary elements of all public credit and confidence." Stability and repose also afford the best opportunities for the development of profitable industry, and the employment of private capital; and it is from the accumulations of private capital that public credit derives its best support and its permanent security. We have no cause for apprehension, if we abstain from rash fiscal devices. I speak with all respect. But if unhappily we are induced in support of the public expenditure to rely upon ingenious contrivances, unsupported by experience, and unsanctioned by authority, then we may fear that what has constituted our ornament and our strength—*decus et tutamen*—may be placed in jeopardy. May this risk be averted!—*nullum numen abest, si sit prudentia.* We must not make fortune, or even genius, our guiding divinities. Believe me, the public credit will not bear perpetual intermeddling, founded on notions light or fanciful. Our safest course is to adhere to sound general principles, tested by experience, and regulated by practical common sense. I have no desire to impede the measures of the Government in any way. On the contrary, I sincerely wish to render them any small assistance in my power to offer. This I feel it to be the duty of one as humble as I am, under circumstances so trying, and events so momentous as those which crowd around us. But I have also felt it my duty to place my views frankly before your Lordships, protesting against the adoption of novel and fantastic schemes. Having had some official experience on questions of this description, for a quarter of a century; being freed from the bias of political office during the last fourteen years, unswayed by the influence of party in discussing this measure, though attached to the principles which I have ever professed, and to the friends with whom I have generally acted, and whose regard I am equally anxious to deserve and to retain, having conscientiously formed the opinions I now express, I should have failed in my duty had I hesitated publicly and unreservedly to state them.

THE DUKE OF ARGYLL said, he would not attempt to follow in close detail the financial arguments of the noble Baron who had just sat down; but there were some general observations which had been made in the course of the debate to which, with the permission of the House, he wished very briefly to address himself. It could not have escaped the notice of their Lordships that the noble Earl opposite (the Earl of Malmesbury) and the noble Baron upon that side of the House (Lord Monteagle) and taken somewhat opposite views of the merits of this question; perhaps he ought rather to say that they had addressed themselves to different branches of the same subject. The noble Earl opposite had addressed himself almost exclusively to the Budget of last year, whereas the noble Lord who had last spoken had referred to financial operations which were altogether separate from the Budget, though too often confounded with it by noble Lords on both sides of the House; for he (the Duke of Argyll) had observed that the presumed failure of those other financial measures had been dwelt on, again and again, in order to throw discredit on that great financial scheme, the Budget, which had been carried out with the most complete success. He had no wish to follow the noble Earl into a discussion of the circumstances which had led to the change of Government in December, 1852, but he must say that that was a subject on which the noble Earl and his Friends had no reason to congratulate themselves. He (the Duke of Argyll) thoroughly agreed with the noble Earl when he said that the policy of a Government coming into office ought to be consistent with the principles which its Members had professed, and the measures they had advocated, when in opposition. But how did that apply to the noble Earl and his Friends? For how many years of imperturbable opposition had they professed a continued adherence to the principles which they must have known must sooner or later be abandoned? And when they came into office, what did they do? They found themselves unable to carry into effect any of the proposals they had made; and he thought that the noble Earl and his Friends ought to be the last to throw out a challenge in this respect, inasmuch as the late Government, of which the noble Earl was so prominent and so distinguished a Member, could not in any way be cited as having followed up the principles which the noble Earl extolled, and of which he had so justly expressed his approval. It was quite true that the late Government had been turned out upon a question of finance; but it was giving a most erroneous view of the matter to represent that the question in issue was one of finance merely; nearly all the great questions which had recently been before Parliament might, in some sense, be described as questions of finance. But it was a fact, patent and acknowledged, that the late Government had not carried out—had not even enunciated—any one single principle of finance. The noble Earl had said that the right hon. Gentleman the Chancellor of the Exchequer was prepared with a plan. He could only say that the answer which he gave, when a question was put to him upon the subject, was scarcely consistent with the supposition of his having been so prepared.

The Earl of MALMESBURY said, his right hon. Friend had completed his plans, and was understood to make some reference to the proposed modification of the income tax.

The Duke of ARGYLL could only say that those who succeeded the late Government in office had been of opinion that that proposal for a modification of the income and property tax was a most mischievous proposal; and he confessed for himself, that, after a most careful consideration of the question, he entertained a strong opinion that its adoption would greatly have increased the evils of the income tax, and would have had the effect of entirely breaking down that system of finance which Parliament had repeatedly approved; and as to the other portions of the right hon. Gentleman's scheme, they were neither new nor original, but had been before the country for years, and the late Government, in embodying them into their financial scheme, had merely taken what they already found made to their hand, and, as it were, caught at as a straw to save themselves. However, he would not dwell upon this point, but would pass on to another suggestion which the noble Earl had made—that the Government ought not to have abandoned so large a portion of the Excise duties in contemplation of war. But the fact was that the Budget of last year was not framed in contemplation of war, and had no reference, and could have no reference whatever, to the complications then existing in Europe. The noble Earl, indeed, had stated on the 16th of April there was a despatch from Colonel Rose which ought to have led the Government to believe that war was then impending. He had referred, however, first of all to the "secret correspondence;" and he must ask, since that reference had been made, why the late Government, in preparing their own financial measures, had not considered them in reference to the memorandum of 1844? At the time when the late Chancellor of the Exchequer made his proposition to break down the income tax, the noble Earl opposite was in possession of that memorandum; he was aware of the complications which had arisen in consequence of the dispute between Russia and France in reference to the Holy Places; yet it never appeared to have occurred to him that that memorandum—in which every one of the principles brought out in the "secret correspondence" was laid down—threw any new light whatever upon those complications. The noble Earl, being new to office, had his attention expressly directed to the existence of this memorandum; he knew that dangerous complications had arisen; he was in receipt of despatches. [The Earl of MALMESBURY: No, no!] He was able to prove that the noble Earl was in the receipt of despatches, both from our Ambassadors at Constantinople and at St. Petersburg, stating that the Eastern question had assumed a most threatening and momentous aspect; yet with all this knowledge, with the knowledge of the existence of a memorandum identical with the "secret correspondence" in principle, he did not seem to have thought that it cast any light whatever upon the policy of the Government, but considered, and most properly considered, that we might proceed with our financial schemes in this country without reference to the events which were then taking place abroad.

THE EARL OF MALMESBURY said, the late Government had been beaten on the Budget on the 16th of December; and if the noble Duke would look at the blue book, he would see that the despatch to which he had referred was not received until after Lord Derby had resigned. All, therefore, that he could do, was to write a private letter to Lord Cowley, which had been alluded to by Lord John Russell in the House of Commons, desiring him to pay all attention to the subject.

THE DUKE OF ARGYLL said, whether this particular despatch had been received or no after the Budget was prepared, the Eastern question had, for many months, assumed a very serious aspect, and the noble Earl was fully aware of the principles by which the Emperor of Russia wished to be guided. Passing, however, from the "secret correspondence," which had been rightly characterised as a great "mare's nest," the noble Earl, while he stated that a despatch had been received from Colonel Rose, on the 15th of April, which ought to have alarmed the Government, took care to conceal—he might have forgotten, but public men bringing such charges ought not to forget, but ought to possess themselves fully and accurately of the facts—that on that very day there was received a formal declaration from the Russian Minister, communicated by authority, direct from St. Petersburg, containing the most solemn and emphatic assurance that all the rumours with respect to the intentions of Russia, to which the visit of Prince Menchikoff had given rise, were entirely unfounded, and that the Emperor of Russia had no intention to make, and no desire to provoke, a war. He (the Duke of Argyll) maintained that they had no right to regard that declaration as deceptive—that they had no reason whatever to believe at that time that that solemn statement made on behalf of the Emperor of Russia would prove to be so entirely illusory as it had since turned out to be. The words of the declaration were these:—

"You will assure the Ministers of the Queen, in the most positive terms, that the intentions of the Emperor are still the same, and that all the idle rumours to which the arrival of Prince Menchikoff in the Ottoman capital has given rise—the occupation of the Principalities, territorial aggrandisement on our Asiatic frontier, the pretension to secure to ourselves the nomination of the Greek Patriarch of Constantinople, hostile and threatening language held to the Porte by our Ambassador—are not only exaggerated, but even destitute of any sort of foundation; that, in a word, the mission of Prince Menchikoff never has had, nor has now, any object but that which your Excellency has been instructed to communicate to the British Government."—[No. 138.]

It would be well that the noble Earl should remember that document, as well as the reports of Colonel Rose, and should also remember that Lord Stratford de Redcliffe was then on his way to Constantinople, and that the Government had every reason to hope and every assurance to believe that war was not impending, and, consequently, were perfectly at liberty to frame a Budget without reference to the complications of the Eastern question, which at that time there was the best reason to hope would be settled by negotiation. With respect to the financial operations discussed by the noble Lord who had preceded him (Lord Monteagle), he must say that there had been a great deal of exaggeration as to the degree of importance attached to those operations—great exaggeration had been made use of, and the intention of his right hon. Friend the Chancellor of the Exchequer had been greatly misrepresented. It had been said that he had proposed to convert the whole of the national debt—a statement which was wholly at variance with the very humble manner in which his right hon. Friend had pointed out the possible effect of the plan. This was his language:—

"I shall not commence this explanation of the intentions of the Government by dwelling in any degree upon the importance of the subject. I would rather, if I could, after viewing the amount of public interest which it has excited, endeavour to moderate such expectations as may have been formed in the public mind. I do not recommend the proposition that is now before the Committee as a proposition which can effect any sweeping or fundamental change; but I venture to recommend it to them as a proposition which is just and prudent in itself, and which will probably lay the foundation for more extended improvements in future."—[3 *Hansard*, cxxv. 810.]

He (the Duke of Argyll) could not at all reconcile the two lines of argument of the noble Earl and the noble Baron—for the latter had most ruthlessly overthrown all the noble Earl's arguments derived from the war. The noble Baron had admitted that the finances of the country were at that time, as they were still, in a most satisfactory state; that every expectation held out by the Chancellor of the Exchequer with respect to income had been exceeded, and that the expenditure had fallen short of his anticipations. Surely this was a state of things in which a Finance Minister might feel himself justified in making an experiment with respect to some portion of the debt. But the noble Baron had gone on to speak of practical difficulties, and of the possible consequences of the plan. He (the Duke of Argyll) maintained that to speak of difficulties which should alarm the country, with a surplus of income over expenditure of 3,500,000*l.*, was an entire delusion. It might be true that his right hon. Friend was not entitled to make the experiment —that there were indications in the money market which ought to have prevented his making it. He could only say that the money market was watched by eyes as keen as those of any Member of that House, and that his right hon. Friend, having taken the opinions of men as competent to advise him as any men could be, thought that the time was one when the experiment could be made. The very description which the noble Baron himself had given of the state of the revenue showed that, had it not been for the change of circumstances which had taken place, the experiment would have been perfectly justifiable. The harvest had, as every one knew, been greatly deficient, and the warlike position of affairs had wholly arisen since the time when the Budget was proposed. In fact, the circumstances of the country had totally and entirely changed, and in a manner which there was no reason to apprehend. The

noble Baron had talked much of the great injury done by the large advances to the Government by the Bank; but he (the Duke of Argyll) contended that, whatever might be the theoretical effects upon commerce of such advances from the Bank to the Government, they were chiefly to be apprehended in times of difficulty, and that when there was a rising revenue, and large balances of receipts over expenditure, no such danger could be expected. The greatest possible exaggeration had been used in this respect, both with regard to the Budget and the subsequent proposition for the reduction of stock. He believed that at no period of its history had this country entered on a great struggle with such high confidence and such immense resources.

EARL GREY: My Lords, I can by no means concur with the noble Duke in thinking that the speech of the noble Lord near me (Lord Monteagle) was either uncalled for or calculated to increase the difficulties of the situation in which the country is placed. It was far from uncalled for. I admit that it is absolutely necessary that the Government of the day should have very great liberty of action with respect to financial measures. Parliament —especially this House of Parliament— cannot interfere with advantage while measures of finance are in progress, and much must be left to the discretion and judgment of the Government. If the Government acts without due discretion, and without judgment, it will generally be found too late, when the country feels all the consequences, for Parliament to interfere with advantage to correct the evil. But it is of great importance, although we cannot retrace our steps or correct the errors which have been committed, that we should carefully investigate those errors, and see, as far as we can, what mistakes have been committed—because it is this subsequent investigation which is the real effective check on the Government in all their measures—a check which it is most important for Parliament to maintain. In this view, I think the House and the country very deeply indebted to my noble Friend near me for the very able manner in which he has examined the financial measures of the Government. And, my Lords, I must confess my disappointment when the noble Duke, having answered, as it seemed to me, at disproportionate length, some remarks of the noble Earl opposite, with respect to the comparative merits of the present and the preceding Governments—when he came to the really difficult part of the question, instead of replying to the very able and elaborate examination of the financial measures of the Government made by the noble Baron, he brought his observations to a close without even attempting a reply. I must say that I think, on so serious a subject—a subject of the deepest interest at the present moment—the course which the noble Duke took must have disappointed your Lordships and the country. I think we had a right to expect something more from a Member of the Government, after the severe—not in tone, but in the facts, and in the examination of the facts—after the severe manner in which their measures had been handled in the speech of the noble Lord. I will not, after that speech, enter much into detail, but so strong is my conviction of the necessity of looking into this subject closely, that although there is very little, in the speech of the noble Duke to answer, I must call your Lordships' attention to some of the facts established with reference to the financial arrangements of the Government during the past year. The noble Duke has said that the plan for the conversion of certain descriptions of stock was wholly unconnected with the Budget of last year; but it seems to me that there was a very close connection between them. If I were to go into the subject, I should be rather inclined to say, even with regard to the alterations of taxation contained in that Budget, that I cannot agree in the description given of them by the noble Duke. I am not prepared to give that unmixed praise which is assumed by the noble Duke to be due to the measures of the Government; but I think that that subject was sufficiently discussed at the time, and I have no wish to enter upon it again. With respect, however, to the plan for the conversion of stock, we were not last year in a position to discuss a measure of that nature. Certain advantages were anticipated on the one side, and predictions of disappointment put forward on the other; but there was then only the opinion of one man against the opinion of another, and there was very little possibility at that moment of coming to a certain conclusion. Now, however, we are in a different position. We are able to examine the measures which were then adopted by the light of experience, and, so examining them, we are to judge of their effect. Now, my Lords, it appears to me that whether those measures of Her Majesty's Government were rash or not—whether the result is to be attributed to misfortune or imprudence—this much is quite clear, that the experiment they then made has been a very losing one for the public. My noble Friend (Lord Monteagle) has fully shown this, and has made clear the manner in which the loss to the public has been incurred, by the instance he has given of the Fitzwilliam Museum. I myself was recently travelling in a railway carriage, in which I overheard two gentlemen discussing, not at all confidentially, the good fortune of a lady who had been an owner of South Sea Stock, and who, having been paid off by the Government at par, at a time when Consols were at their lowest, had secured the same income as she had had before by investing 85*l.* out of every 100*l.*, putting the remaining 15*l.* into her pocket. This, of course, was an advantage which this lady had gained at a corresponding loss to the public. There is another way by which the loss to the public may be shown in a no less striking manner. You are going to borrow six millions of money. The necessity of that loan is entirely occasioned by the Chancellor of the Exchequer having paid off these stocks. If you had had in your Exchequer the eight millions which you have issued to the holders of these South Sea Stocks, you would not have been called on to borrow six millions to restore the balance in the Exchequer. It is proposed to raise those six millions by the issue of bonds at 3½ per cent, with certain advantages, which raise the real cost of the loan, so that, according to the most sanguine calculations, the money will not be raised at a lower rate than 3¾ per cent. But at 3¾ per cent the loan will impose an annual charge upon the public of 225,000*l.* a year. With those six millions you have cancelled so much 3 per cent stock; you have, therefore, relieved yourself of a charge of 180,000*l.* a year. The happy result of this well-considered operation is this:—supposing you borrow no more than six millions, you will have paid off one set of men six millions and borrowed six millions of another set of men, and thrown away 45,000*l.* a year for ever, that is to say, you have incurred, for no earthly object, a liability which (even at the lowest rate of interest the Chancellor of the Exchequer will have to pay) would have given 1,200,000*l.* more to meet the cost of the war. I have heard it said that it is unfair to judge by results—that we ought not to condemn any Government because they have failed in their measures, which may be due to the circumstances of the times. In my opinion, however, that which distinguishes an able financial administrator from a financial administrator of an opposite character is, that an able administrator is sagacious in foreseeing what is the condition of the country, what will be the effect of his measures, and in so framing his measures that the country shall reap advantage by what he does. To tell me that the result was not foreseen is, in other words, to say that the Government was wanting in foresight and judgment. When a measure of this kind is proposed, those who object can only say, "We do not think it wise—we do not think it will answer." It is only by the result that the real sagacity of the Chancellor of the Exchequer is to be judged. But in this case I must go a little further. I must say that there were not wanting the most obvious and weighty reasons which ought to have prevented any such measure being attempted at such a time; because, let me remind your Lordships, that the noble Duke himself has said there was very little to gain—it was very hard to reflect on the Chancellor of the Exchequer for his extravagant expectations, because he never expected to get much. Well, I say, if he never expected to get much, that is a strong reason against incurring very considerable hazard.

The Duke of ARGYLL: I did not say he expected very little. I said he expected very little immediate result; but that if the scheme succeeded, it would lay the foundation of great advantages for the future.

Earl GREY: I am glad to hear the explanation of the noble Duke. I thought he had represented the right hon. Gentleman the Chancellor of the Exchequer as speaking with great modesty as to the results of his proposition. With regard to the immediate advantages, at all events, the Chancellor of the Exchequer stated the utmost possible gain at 25,000*l.* a year; but then, we are told his great object was to lay the foundation for the conversion of the great mass of 3 per cent stock into 2½ per cent stock. That must be considered really to have been the great object of the measure. Now, I confess, for my own part, there was nothing at this time last year to warrant the opinion that such a reduction could be effected in the rate of interest on which the bulk of the debt had been advanced. I do not think that at this time last year there was anything to justify the expectation that we were even approaching a time in which any serious impression could me made on the interest borne by the great bulk of the debt. The average price of Consols in the quarter when this scheme was propounded was 99*l.* 13*s.* and some odd pence—certainly something under par; and even this price of Consols was in excess of that which they might have been expected to bear according to the value of money required for commercial purposes, for it must be remembered that Consols are generally dearer than other securities in proportion to the income they yield, because trustees and other persons will invest in Consols, and not in any more hazardous investment; at the same time the margin is always a small one, and the price of Consols must be regulated by the real value of money for commercial purposes. I say, moreover, this time last year the value of money for commercial and industrial purposes was rather rising than falling. This is what I always anticipated would be the effect of the measure of free trade, and I recollect arguing in the House of Commons that one of the strongest proofs that the Corn Laws were injurious was the very low rate of profit; that the low rate of profit combined with a low rate of wages arose from the field for the employment of capital and industry being unduly restricted by those laws; and I always anticipated that, when we removed those restrictions, the rate of profit would rise. It is obvious, from the great demand last year for various industrial occupations, that that view was a correct one. Then, I say, at all events it was in the highest degree doubtful whether the right hon. Gentleman's view of the proposed advantages of his scheme could be correct; it was, at all events, clear that no serious impression could be made on the rate of interest of Consols, and that no object of that kind was to be gained worth any considerable risk. Further than that, surely the most ordinary prudence would dictate that this operation—at any time a doubtful and critical one—opening what may be called a battery against the 3 per cents—that such an operation ought not to be attempted when there was any cloud in the sky, whether of politics or commerce. Nothing but the prospect of a complete absence of disturbing conditions in trade and politics could possibly justify the bring forward a proposition of this kind. There was no hurry. These stocks had existed above a hundred years, and, to say the least, if you wished to reduce the rate of interest, you were bound to wait for a favourable opportunity. Was the opportunity favourable? The noble Duke told us its failure was partly owing to the deficiency of the harvest. I believe it was. But was any man, having the slightest knowledge, ignorant in April of last year that the harvest must be deficient? First, you cannot reap where you have not sown; and it was notorious the breadth of wheat sown in the autumn of 1852 was very largely below the ordinary amount, in consequence of the very unfavourable weather. I never took up an agricultural newspaper that did not calculate the amount of wheat sown, some as much as 25 per cent below the average, and in my own county the deficiency was very large indeed. The spring was very late; the snow had lain on the ground to a very late period; the ordinary agricultural occupations were retarded, and what spring wheat was sown was sown in land imperfectly prepared. That there must be a deficiency in the harvest was as notorious in April, 1853, as the fact is now. I do not say you could estimate the extent of the deficiency. I do not say you must have known there would be a deficiency in other countries, and that we should have to pay so high a price as we have paid for the necessary supplies from abroad. But I do say it was only a question of degree, and no man having an ordinary knowledge of agricultural affairs could have been ignorant that the harvest must be under the average. Then, again, with regard to the political aspect—was the sky of politics free from cloud. The noble Duke has himself given the best answer. He has himself shown that the clouds were gathering so early as the time when the preceding Government were in office, and he has declared that they ought to have seen those clouds. I learnt from the conversation across the table to-night that it was the object of the noble Duke to show that a former Government had been as indiscreet as the present Government in proposing a Budget without regard to the state of the Eastern question—

THE DUKE OF ARGYLL: What I said was this: That the state of the Eastern question ought not in fact to have influenced the conduct of either Government; but if it told at all, it told on one as much as on the other. I distinctly said that in neither case ought it to have affected financial operations.

EARL GREY: I am very glad to know what the noble Duke intended to say. Undoubtedly he used the words, the state of the Eastern question was very serious, because the words "very serious" caught my ear. However, I am quite contented with the explanation of the noble Duke. Whatever his opinion may be, I think the opinion that has been formed by the great majority of your Lordships on reading these despatches is the same as my own, namely, that the question was very serious; that the political horizon was by no means without clouds—clouds so gathering and so threatening, that it is perfectly inconceivable how the Chancellor of the Exchequer, with those despatches before him, could come to an arrangement, the probable effect of which would be this—that he might be called on to pay off 9,500,000*l.* of stock, a part of it at the end of six months, and a part of it at the end of twelve months. How he could feel confident that at the end of twelve months from that time it would be convenient to pay off those stocks—and if he did not feel confident it was great rashness to bind himself to do so—is to me perfectly incomprehensible. I must go further, and say it was hardly fair to the parties to whom you made those propositions—they being ignorant of the correspondence that was going on, and you having the papers before you—to ask them to submit to a conversion of their stock to stock of a different description, by which they would have made a considerable sacrifice of income. It appears to me a very questionable proceeding in point of public morality. Fortunately, the holders of that stock, instead of suffering, have been the gainers, because, although they had no official papers before them, although they had no despatches to consult, they were more sagacious than the Chancellor of the Exchequer in foreseeing the future, and although he could not see that it was likely to be disadvantageous to the public to pay off this money at the end of a certain time, they were sagacious enough to see that it was very advantageous to them to receive their money rather than to consent to a conversion of the stock. I say then that the arrangements proposed last year to Parliament and adopted by them were imprudent and injudicious; and, although I do not wish to censure the Government, I see much in the management of our finances during the last few months to justify the censures of my noble Friend (Lord Monteagle). I will not travel over the same ground any more than is necessary to explain the observations I have to make on the points to which he has adverted. I think, in the first place, it was very injudicious, with a prospect of a long and expensive war before him, to allow the balances of the Exchequer to be so low. I entirely concur on this point with my noble Friend, and with the other authorities who had expressed their opinion that after the Act of 1844 it was incumbent on the Government to avoid placing themselves in such a position that they should not be able to maintain sufficient balances in the Exchequer, and I was surprised that the noble Duke, in answering that observation, should have said that the evidence to which his noble Friend had referred was given in 1847, at a period of great distress. No doubt, the evidence was given immediately after the great distress of 1847. But are you sure distress will not recur, and is there anything in the evidence which does not rest on general principles? If I am not mistaken, the person who had the chief part in passing the Act of 1844—Sir Robert Peel —when he recommended that that measure should be passed, expressed an opinion that when the measure should have come into operation it would be the duty of the Government to take care that the balances in the Exchequer were not unduly reduced. But, my Lords, I must say, what alarms me even more than this fact that these balances are allowed to fall so low without measures being taken to replenish them—what alarms me even more than this—is the ground taken elsewhere in defending this course, and the language held upon the subject. We have been told that it is very immaterial—that it is a matter of comparatively slight importance that the balances should be reduced so low, and that such heavy demands should be constantly made on the Bank; but, further than that, a very important statement has been made, to which I beg to call your Lordships' particular attention. In commenting on the amount of deficiency bills, it was stated by the right hon. Gentleman the Chancellor of the Exchequer that those deficiency bills did not represent the real amount of the deficiency at the beginning of the quarter. The argument, if I am not mistaken, was, that the deficiency at the beginning of the quarter had hitherto been improperly taken—that it was taken as if the whole amount due to the public creditor was paid at once, whereas in point of fact it was spread over several days, so that accruing revenue covered a considerable part of the advances made by the Bank, and in this way the formidable deficiency last quarter of 5,800,000*l.* was reduced to 2,800,000*l.* And it was added —and this I think the most serious statement that has been made—that the Chancellor of the Exchequer had thought it his duty to regulate the issue of deficiency bills with reference to actual demands, and that by this course the amount of deficiency bills in the last quarter was reduced from 5,800,000*l.* to 2,800,000*l.* Now I cannot help thinking that a very important principle is involved in this statement. Surely, the Bank of England ought to be in a situation on quarter-day, when the dividends became payable, to pay at once every public creditor who should come upon it. In the old Loan Acts there is a clause imposing most imperative obligation on the Chancellor of the Exchequer, that he shall, by that day, pay to the cashiers of the Bank such a sum as will enable them to discharge the whole of those demands. There is no discretion whatever left to him. He is bound to place the whole sum to the credit of the cashiers of the Bank on the very day it is due. I have not been able to refer to the later Loan Acts, but I am told this stringent provision is omitted; but, though omitted, the practice has been always to adhere to the wholesome rule laid down in the old Loan Acts. From the time that we have had a public debt, the Chancellor of the Exchequer for the time has invariably written to the Bank of England requiring such advances as would place him in the possession of funds which should be sufficient to pay the whole dividends on the day they were due. Am I to understand from the statement reported to have been made in the other House, that the present Chancellor of the Exchequer, departing from the wise rule followed by all his predecessors, has thought himself justified in following a different rule, calculating that the whole amount due will not be called for at once, and that one part will be covered by accruing revenue, so that he can safely leave the cashiers of the Bank without money necessary to meet the demands that might be made? Mark how dangerous that is! The Chancellor of the Exchequer, if I rightly understand what he is reported to have said—I hope I do not —may presume in this way that 3,000,000*l.* is the amount which will not be called for at the first moment. But it is not beyond the bounds of probability to suppose that we may have, in the process of time, a Chancellor of the Exchequer more venturesome, more rash than the right hon. Gentleman who now holds that office. Some future Minister of Finance may calculate a little more boldly, and he may happen to be 200,000*l.* or 300,000*l.* beyond the mark, and leave the cashiers of the Bank without the means of meeting the whole of the demands made upon them. What is to happen? Are the cashiers to give the public creditors the same answer which a dun receives from gentlemen in difficulties—"Call again to-morrow?" There will be no other resource, and is it right and fitting in any Chancellor of the Exchequer, no matter how able and ingenious he may be, be he the ablest or wisest man in England—ought it to be in the discretion of any man in England to leave things in this state, that the cashiers, when called on to pay the public creditor what is due to him, should be compelled to ask for time? I think this is a matter of the deepest importance. Unfortunately, I have never been called upon to attend to the technical details of these matters, and may not, therefore, thoroughly understand them. I have had no opportunity of consulting more than one or two friends, and I may err in judgment; but I have paid attention to what has passed in another place, I have referred to the Loan Acts, and to my understanding it is a subject of serious importance. If it once comes to be suspected by the public that there is not enough money in the hands of the proper officers of the Bank to pay the whole sum due, the very notion that such a state of things exists will render it certain that the difficulty will arise, for every one who has money in the funds will immediately ask for his money. And, my Lords, I for one have been brought up to attach the highest importance to maintaining intact that honour and credit which this country derives from the circumstance of our never, in our greatest difficulties or most pressing emergencies on any one occasion having been driven to disappoint even for a moment the just expectations of the public creditor. I must add that this seems to me the more alarming, viewing it as an indication of a general system of policy. We are now at the beginning of a war. We do not know how long that war will last, nor how severe may be the strain on the resources of this country, and it is calculated to excite great alarm among those who look into these matters, to find at such a time such indications of a dangerous policy as those to which I have alluded. Allow me to remind your Lordships that it is by mistakes of this kind that we may be brought into a situation where we might find it difficult to maintain the standard of value. It must be remembered that there are many persons in this country who are very anxious we should give up cash payments. They form a party by no means inconsiderable either in number or in influence, and they do not conceal their desire that we should return to a system of inconvertible paper issues. I entirely acquit Her Majesty's Government of any sympathy with that party. I am quite convinced they desire to maintain that standard of value which we now have; but while I give them credit for this feeling, I cannot forget that Mr. Pitt and his Colleagues were also very far indeed from wishing to depart from the standard of value. What happened then, and what may happen again? What happened then was this:—By a series of steps, no one of them very important in itself, but collectively producing a very great effect, gradually and imperceptibly was the country brought into a situation where those who had the conduct of affairs saw that cash payments could not be maintained without a degree of pressure and without sacrifices which they were not prepared to encounter. They had recourse, in that emergency, to the fatal course of Bank restriction; and having once done that, they were drawn on little by little to the depreciation of currency by the consequences of which this country is still so great a sufferer. Is any one ignorant how seriously the country has been injured—how vastly the burdens of public and private debt have been increased, by the course then taken—how we are now paying interest on 1*l.* where 15*s.* was borrowed—how numerous landlords raised money for the improvement of their estates, and are now called upon to pay a debt measured in gold, but contracted in paper, and consequently find themselves, by no imprudence of their own, virtually involved to vast amounts. This is matter of history. We know such a state of things was then produced in the manner I have described, and I say, when I observe the rash and venturesome system of policy which seems to be indicated by the course Her Majesty's Government have taken, and especially by this new plan of altering the accustomed method of calculating the amount of the deficiency bills, I am very much alarmed lest we be brought to a similar state of things to that which existed at the period to which I have alluded. Because, what is the object of making such an alteration in the system of calculation? It is not to effect a saving to the public, because by the arrangement existing between the Government and the Bank, interest is only charged by the Bank, as I am informed, on the actual amount of its advances; the only possible object, therefore, of changing the mode of calculating the amount of the deficiency bills is to make a more plausible appearance to the public in the statement of accounts. That is the single object to be gained. But instead of this being advantageous, it is to my mind exactly the reverse, because a great security is withdrawn against falling into a similarly fatal course to that pursued in the last war, by the attention of the country and of Parliament being roused as early as possible to the first departures from the sound system —the first erroneous steps; and the moment the deficiency bills begin to augment public attention is called to it, yet at the time when this is so important we learn from the speech of the Chancellor of the Exchequer that he is, without being able to show that he will gain a single sixpence, about to introduce a change, with no other earthly object or effect than that of blinding the public to the real amount of the deficiency bills. I feel the more strongly on this subject because I cannot have much confidence in the foresight of Her Majesty's Government. We have had lamentable proof of that deficiency of foresight in the loss which has been sustained by that which the author himself has termed the abortive attempt to convert the 3 per cent stocks. But on another and more striking example of the same want of foresight already adverted to by my noble Friend, I must say a very few words. I refer to the very extraordinary circumstance of our having been told on the 6th March, that the policy of the Government was to raise the money for the war of the year within the year. That statement is renewed upon the 10th of April; yet, on the 21st of April, a loan is publicly announced. I could hardly believe my eyes when I read that announcement. I refreshed my recollection by reading over again the speech reported to have been delivered by the Chancellor of the Exchequer on the 6th of March, in explaining the financial position of the Government. I find the war spoken of as a state of things actually existing, and the Budget of the right hon. Gentleman is filled with such allusions as those to which I have adverted. The Chancellor of the Exchequer says:—"I do not mean to guarantee that the money I now ask will be sufficient to conduct operations for twelve months." He does not mean to guarantee for the whole expenses; but he tells us 25,000 men are to be sent to the East, and he has calculated the expense of sending and employing them in the East, as well as the expense of the fleets in the Black Sea and the Baltic. And having made all these calculations, the right hon. Gentleman makes a most able and eloquent speech, and supports the view, in which most people concur, that it is very desirable, not only on political, but on moral grounds, in war, as long as possible to continue to defray the expenses of the war of the year within the year. He says he does not say it is always possible to go on doing so, but we ought to do it to the last moment; and at present to ask for a loan would be unworthy of their character as Englishmen. I am not quoting the right hon. Gentleman's exact words, but this was the effect of what he said on the 6th March; and then, my Lords, on the 21st of April public notice is given that a loan of 6,000,000*l.* is required. Shall I be told that it is not a loan, but merely an advance until the taxes shall come in? I think that will hardly be said. It is perfectly legitimate to use that argument with respect to an advance on Exchequer bills, which, if the Government are right in their calculations as to the expenses of the war, will be paid off by accruing revenue, and therefore the first issue of 1,700,000*l.* Exchequer bills may be fairly taken in that light; and if the Government have been right in their calculations as to the expenses of the war and the produce of the revenue, no doubt these will be paid off; but when you come to a payment so distant as four years, the case is altogether different. There is then no pretence of defraying the expenditure of the year from the revenue of the year within which it is incurred. You are borrowing for futurity, and it does not rest with Her Majesty's Government, not even with the Parliament of this day, to say that in 1859 or 1860 they will be able to meet that debt in the manner proposed. I confess the mode of raising this loan appears to me a great aggravation of the imprudence which has already been committed. What are you going to do? You are going to raise money with the imperative obligation to repay in full in 1858, 1859, and 1860. Who is to tell us what will be the state of the country four years hence? Supposing such obligations had been contracted four years ago, would it not be very embarrassing to meet them now? Why should the old settled policy of the country be departed from in this matter? Suppose this war goes on, the flame of European war once kindled, changes may take place, and new parties come into the field, as was the case in the last war. Something may arise to induce Austria and Prussia to take part with Russia, instead of against her, and the whole Continent may be involved in a long and arduous struggle. If that should be the case, is there any reason to suppose the funds will not go down as they did in the last war? And then, when the funds are between 60 and 70, you may have to pay off these bonds at par, perhaps at the most inconvenient moment that could be selected. Instead of thinking it a recommendation that this loan must be repaid in four years, I think it infinitely aggravates the ground of complaint that a Minister should undertake to predict what will be the state of things four years hence, when he has shown that he has not been able to foresee what it will be in three weeks. I say this mode of managing the finances of the country at the outset of war, inspires me with the deepest alarm, and should inspire the country with alarm. I have no wish to embarrass Her Majesty's Government. I can assure them I have observed much that I disapprove, and much might have been stated in this House, not without effect, in condemnation of their measures. I have never come forward to express an opinion unfavourable to their measures, except when I thought the public interest imperatively required it; but on this occasion, believing they are entering on an incorrect and imprudent course of financial administration, at a moment when that administration requires the clearest judgment and calmest consideration, I feel bound to state, as strongly as is in my power, the opinion I entertain, in the faint hope that it may open the eyes and meet the support of those more capable than I am of doing justice to the subject, and have some effect in arresting Her Majesty's Government in a course which, in my opinion, will be most prejudicial to the interests of the country.

THE EARL OF DONOUGHMORE thought that the reply of the noble Duke (the Duke of Argyll) to the observations of his noble Friend (the Earl of Malmesbury) had satisfactorily proved to the House that in the transactions of last year the Government had acted not simply without forethought, but in absolute defiance of the information in their hands and of the facts before them. The noble Duke's argument was, that after having been warned by Her Majesty's Minister at St. Petersburg, the Ambassador at Constantinople, and the Consuls at Odessa and Galatz, Her Majesty's Government preferred to believe the word of the Emperor of Russia in the document which was received on the 15th of April, to the testimony of their own servants. The occupation of the Principalities by the Russian troops took place on the 1st of July, and on the 7th of that month, when, although the fact of the occupation might not have reached the Government, such an event must have been known to be imminent, a noble Earl (the Earl of Ellenborough), who was not connected with any particular party in the House, appealed to the Government, on the third reading of the Bill for repealing the soap duties, not to recklessly throw away a tax which was not particularly complained of by those who paid it, did not press with undue severity on the people, and produced a million and a quarter of revenue, at a moment when, if war were not imminent, at least our foreign relations were in serious danger of being disturbed. He (the Earl of Donoughmore) recollected the indignant manner in which the noble Earl at the head of the Government refused to adopt the suggestion of his noble Friend, but deliberately persisted in the surrender of a million and a quarter of the national revenue. But what good had followed from that measure? He was informed that since the repeal of the tax the price of soap had scarcely at all diminished. Thus the effect of the repeal of the tax had been, not to relieve the consumer, but to put a million and a quarter per annum into the pockets of the manufacturers of soap. He trusted that the extension of direct taxation had now reached its limits. It was, he believed, a favourite principle with some of the noble Lords opposite; but he believed that nothing could be more disastrous to the country than the undue extension of that principle. Direct taxation, in a certain degree, was good and useful, because it struck at the miser and hoarder of wealth, and forced men with large property and incomes to pay their fair share of the expenses of the country. But from its very nature, it could not be extended to the poorer classes; and there was no doubt of the proposition that every man in the country, whatever his rank or his means, was bound, in proportion to those means, to pay towards the expenses of the State, and assist in the prosecution of the war. Indirect taxation, on the other hand, struck at everybody, and was, therefore, the fairest tax that could be levied. He trusted, therefore, the Government would see the absolute necessity of resorting to other measures besides the income tax for enabling them to carry on the contest in which the country was now engaged. He made this observation because the country which he represented in that House had been saddled with the income tax through the liberality of noble Lords opposite; and he did hope that, as far as Ireland was concerned, if the income tax were to be doubled, another description of tax would be applied to that country, where the harshness and inequality on the tax pressed with double severity on the people.

Earl GRANVILLE said, that so far from conceiving that it was desirable to have the people kept at all in the dark as to the operations of Government, he regarded it as highly important to have all these and similar questions fully discussed; and, so far from conceiving that the duties of their Lordships' House in respect of matters of finance were purely Ministerial, he thought the credit of the House was very much augmented when persons so eminently qualified to express their opinions on such subjects as the noble Earl and the noble Baron applied their criticisms to what they conscientiously believed to be errors in the conduct of the Government, whether as related to finance or to any other matter. He considered such discussion as augmenting the credit of Parliament, and wholesome for the community. At the same time he must dissent from the conclusions which they had drawn. He had, he thought, some right to complain of the perfectly unusual course taken by the noble Earl and the noble Lord, in adverting, no less than three times, to the subject of the Exchequer bonds. Those noble Lords, of course, acted upon their own sense of what was right; but it appeared to him, pending the time when the Chancellor of the Exchequer was in the market, premature for the Ministers of the Crown to discuss the subject. They were, therefore, placed in this position: that they must either keep silence altogether, or commit an act of indiscretion, by entering into premature explanations, and the noble Earl, therefore, must not misinterpret the silence which, on the present occasion, he should preserve on that head. He would mention, however, in respect to the tenders to be sent in to-morrow, that the Government had no knowledge of the result. Before proceeding further he would observe, that the noble Earl had, no doubt unintentionally, been rather unjust towards his noble Friend the noble Duke. The noble Duke had only spoken generally, not pretending to go into the details such as those with which the noble Lord (Lord Monteagle) had supplied the House. But it must be remembered that, compared with the noble Lord, they were all at a disadvantage, for they had no practical experience in finance, whilst the noble Lord combined, in his own person, the experience he had acquired in the several offices of Secretary of the Treasury, Chancellor of the Exchequer, and Comptroller of the Exchequer; but this superiority in the knowledge of technical details did not at all render it a consequence that the noble Lord's view must necessarily be adopted as unquestionable. Some observations had been made by the noble Earl upon the Budget, and comments had been particularly added upon the abolition of the soap duty, and the Government had been charged with imprudence in not retaining these duties in the face of an impending war. But he thought their Lordships needed only to be reminded of the circumstances under which that appeal was made. The House of Commons had agreed to the retention of two very large taxes, operating in some respects grievously upon many persons, in consideration of a large reduction of other taxes which weighed heavily upon the country at large. There was at that time, as he should contend, no ground to apprehend imminent war; and, at such a moment for the Government to have retained the soap duties, the abolition of which had been loudly called for by the country, would have been a course entirely unjustifiable. As to the observation, that the repeal of the soap duties, by which the revenue benefited to the extent of 1,500,000*l.*, had been useless to the country, because the reduction had gone into the pockets of the manufacturers, he thought that would not be regarded as a very conclusive argument against it; for it was quite clear that if the tax had not been repealed the price of soap at the present moment would have been very much higher, in common with the increased price of most other commodities in daily use. The noble Earl who made this observation had also expressed a hope that, with regard to Ireland, the income tax would not be further increased. He could only reply to this, that he was sure Ireland would not shrink from bearing her own share of taxation. The Irish income tax was one of the points upon which the policy of the Budget had been most disputed, and many dismal prophecies had been made as to its effect. All these prophecies had been falsified by the event; and the result had fully exposed the futility of the attacks that had been made on this part of the Budget, and had fully justified the policy of the Government. In relation, also, to the succession tax, it was clear that the Chancellor of the Exchequer, and not its opponents, had been right as to the amount to be produced by it. The increased duty on spirits in Scotland and Ireland had been satisfactory in its results. The noble Baron (Lord Monteagle) had, in the commencement of his speech, taken infinite credit to himself for candour in his review of the Government policy; but he had eminently departed from that candour when he left entirely out of view those markedly changed circumstances which had operated, in a corresponding degree, to defeat the anticipations upon which the Chancellor of the Exchequer had proceeded. The want of candour was especially notable in the criticisms which the noble Baron had passed upon the operation of reducing the interest on Exchequer bills. It was extremely easy to make an effective *ex post facto* speech against any measure that had happened to be frustrated by particular events, if you carefully omitted from your criticism any reference to the events which had caused its failure. The first point of which complaint was made was the reduction of interest upon Exchequer bills. It was said that notice was given in February that the interest would be reduced from 1¼*d.* to 1*d.*, and that the reduction was made under circumstances which rendered it unjustifiable. But the bills at that moment were at a premium of 60*s.*; and for two months afterwards not one person applied to exchange them for money. But later, 3,000,000*l.* in bills were exchanged for money; and what had been the result? Why, that in the next quarter not only was the whole 1¼*d.* saved upon the 3,000,000*l.*, but the ¼*d.* upon all the remaining bills. But, said the noble Lord, "You were obliged in the following October both to increase the rate of interest and to reissue the 3,000,000*l.*" Was the noble Lord sure that, if it had not been for the change of circumstances it would have been necessary to increase the rate of interest? The noble Earl (Earl Grey) had referred to the failure in the conversion of the smaller stocks, and the noble Earl considered that that failure was owing to the want of foresight in those who had brought it forward; but herein the noble Earl exhibited as little candour, and in the same way, as the noble Baron. There was, indeed, a popular phrase that "the proof of the pudding is in the eating," but that the noble Earl should apply this proposition to financial operations was scarcely worthy of the noble Earl. The noble Earl himself, he recollected, had been amazingly twitted by noble Lords opposite, for his own want of foresight, when, after having prophesied that the repeal of the Corn Laws would increase rents 10 per cent, he was himself letting farms at an enormous reduction. He (Earl Granville) hoped the noble Earl was now receiving 10 per cent more; and that at the time he was receiving less there were circumstances in operation which he could not have calculated upon when he foretold the probable effect of the repeal of the Corn Laws. It was said, too, that when the Budget was framed the manifest signs of a bad harvest should have induced the Government to take another course. Whatever might have been the signs of the weather, they appeared to have as little effect upon the corn dealers as upon his right hon. Friend, for the corn dealers, who yet were generally considered tolerably good judges of probabilities as to supplies of corn, had not, at that time, at all raised the price of that commodity. It was another argument, that the possession of the "secret despatches," of which so much mention had been made, should have operated upon the Chancellor of the Exchequer, and induced him to change his course. Now, it should be recollected that there was hardly a time when they did not experience anxiety as to the state of affairs in some part of the world, which they did not think it necessary to publish to the country. Such transactions went on, although the public was ignorant of them; and it had never yet been made a reproach that they did not allow them to affect their general policy. But as to the "secret correspondence," he took rather a different view of its nature to the noble Earl. The Government had no reason to quarrel with it. Their ground of quarrel with the Emperor of Russia was that he subsequently departed from his own engagements in it. For instance, he made a proposition, based upon the impression that the Turkish empire was falling to pieces, that a prospective arrangement should be entered into for its disposition. The Government denied the allegation, and thought it would hasten the dissolution if such an arrangement were made; and, in reply, the Emperor said he was completely of their opinion, and appeared to withdraw from the views which he had propounded. The vigorous resistance which Turkey had proved able to make, and the feebleness which Russia had since manifested in the Principalities, might afford some ground, indeed, for admitting that those who did not accede to the accuracy of all the Emperor's views and declarations, were not so wholly without foresight. They were asked—Do you mean this as a war Budget or a peace Budget? Why, it had never been represented as a peace Budget; the probability of war had throughout been contemplated, and by the House of Commons—with whom he trusted their Lordships would concur—thus far provided for. Some allusion had been made to the amount of deficiency bills. He was not there to argue that a large amount of deficiency bills was a legitimate way of conducting business. The simple point was, that that which had been anticipated as a measure of success had, from circumstances which had arisen since, become a failure; but, after all, the failure had produced results not so much worse than those which had been exhibited during the Administration of the noble Baron (Lord Monteagle), for while, undoubtedly, the deficiency bills were larger now than then, while the balances at the Bank were double then what they were now, on the other hand the interest paid to the Bank now was twenty times less than it was then. Nor let it be forgotten that the effect of the increase of deficiency bills had, at all events, been to bring so much money into circulation, an effect very different from that of deficiency bills created to meet the necessities of a falling revenue. As to the conversion of the smaller stocks, when the scheme was proposed in the House of Commons, it was said to offer extravagant terms to the public. The noble Lord (Lord Monteagle) made an able speech against the measure, and he alluded to the possibility of failure; but the gist of his argument was, the mischievous nature of the measure if it were successful. But it had failed utterly; and what was the state in which it left us? Why, after having paid 8,000,000*l.* for that purpose, and 1,000,000*l.* for another, the balances had been reduced by 5,000,000*l.* He contended that this was a state of things which would not bear unfavourable comparison with the noble Lord's own administration when he was Chancellor of the Exchequer. He (Earl Granville) did not think any answer was required from him to the observations that had been made by the noble Lord with regard to the money invested by the trustees of savings banks in Exchequer bills. The noble Lord admitted that such a proceeding was strictly legal, just, and convenient, and that it had been frequently adopted before; but he (Earl Granville) thought the noble Lord had failed to show the peculiar circumstances which made a proceeding that was right at other times wrong now. He thought the eloquent description which had been given by the noble Lord of the soundness of the national finances would be of some value to the country; and, with respect to the denunciation of the present and future policy of the Government, in which a noble Earl had indulged, he (Earl Granville) did not think anything had yet been done, and he was sure nothing would be done, that could lead to the ruinous consequences described by the noble Earl. He must say he feared there was too great a tendency on the opposite side of the House to encourage the people not to make the sacrifices necessary in order to carry on the war. When the doctrine had been so absolutely laid down by a noble Lord that the proper policy of the Chancellor of the Exchequer was to abstain from meddling with the financial arrangements of the country, he (Earl Granville) could not help observing that it had been the habit of the Government from time to time to meddle in a somewhat similar manner with the greatest possible advantage. Indeed, the mischievous results of war, which produced so frightful a disorganisation of our finances, had been remedied solely by such meddling. He would only add that he thought the criticisms of the noble Earl (Earl Grey) were most useful. It was an advantage to the country that one possessing the great abilities of the noble Earl should have such a tendency to criticism, and should state his opinions so frankly and so distinctly. At the same time he (Earl Granville) must always feel it a matter of regret when the noble Earl thought it his duty to criticise—and when he did not find it possible to support—the conduct of Her Majesty's Government.

On Question, *agreed to;* House in Committee accordingly.

Bill *reported*, without Amendment, and to be read 3ª *To-morrow.*

HOUSE OF COMMONS,

Monday, May 1, 1854.

Minutes.] Public Bills. — 1° Testamentary Jurisdiction; Militia.
2° Witnesses.

OXFORD UNIVERSITY BILL.

Order for Committee read; House in Committee, Mr. Bouverie in the chair.

Clause 1 (Appointment of Commissioners).

Mr. HORSMAN said, he hoped the Government would agree to the suggestion he was about to make, and postpone for the present the appointment of the Commissioners. It was obvious that the duties that were to be imposed by the Bill upon the Commissioners were very arduous, and they were also giving to them very large powers. He had no objection to give such powers to a Commission in which he had perfect confidence, not only as to their capacity for the duties they had undertaken, but also as to their having time to discharge them. If any person looked to the end of the Bill he would see the duties the Commissioners had to discharge. These Commissioners had to examine into the wills of founders and the Statutes of all the colleges. They had to go into a history of all those colleges, and to go into and examine their actual state at this moment, and their present and prospective revenues. They had to look through the new Statutes that were proposed by the colleges themselves in connection with all those circumstances that were presumed to refer to the intentions of the founders, and were to look into the schemes for the new professorships. Those were things that required a great deal of time and attendance, and not a little personal residence at Oxford; and the question the House had to consider was this, whether they did not feel that they should have an active practical working Commission, composed of men who were not only capable of undertaking those duties, but who, having once undertaken them, would be able to give all the time and attention necessary for their due discharge? It was proposed to place upon the Commission the names of persons of high character and standing, both in the law and in the Church; but their experience, unfortunately, of late years of such Commissions had been this, that when they appointed a Commission containing principally the names of high dignitaries in Church and State, the result invariably was, that they could not or did not attend to the business of the Commission, and it fell into the hands of the secretary. Three of the Commissioners formed a Board; all the Commissioners were never there together; the secretary was always there, and thus he practically became a Commissioner. While he was prepared to give the powers that were given by the Bill, large and extensive as they were, to a Commission, he was not prepared to place those powers in the hands of any secretary. A great deal of the business must consist of negotiations between different colleges, the appointment of new professors, the diverting of the college funds from one college to another; and if those things were left to a secretary only they would create a great deal of irritation and bad blood. The Commission should be composed of men who were really able to devote their time and attention to the business, and not leave it to the secretary. The first name on the Commission was that of the Earl of Ellesmere, whose character and attainments, as well as the interest taken by him in the University, everybody knew, and if the Government had a promise that he would be a working member, no person was more capable of adorning that Commission than Lord Ellesmere. But the question was, whether he could practically become a working man on what was likely to be a laborious Commission? The second name was also one of high rank, that of one of the highest dignitaries of the Church, the Bishop of Ripon; and he asked, what was the object of employing that right rev. Prelate in the secular labours of this Commission, which should be to a great extent performed at Oxford, and of taking him away from his duties as a bishop of the Established Church? Had he not sufficiently onerous and responsible duties in his own diocese? The proper sphere of a bishop was to be engaged in the good government of his own diocese, and he (Mr. Horsman) did not see what he had to do in altering or modifying the Statutes of the University of Oxford. It appeared from a charge of the Bishop of Ripon that when he had been ten years bishop of that diocese, 25,000*l*. had been subscribed for churches alone, independent of schools. What a history that was of active and useful exertion on his part! Why remove him from that sphere of usefulness, and take him away from his clergy and spiritual duties? In the first place, it was quite evident that if they made a bishop of the Church, who had laborious and multifarious duties to perform, a Commissioner, and took him away to Oxford to perform duties of another character, he must neglect one set of duties or the other. He (Mr. Horsman) would say what he had before asserted in that House, that it ought to be their duty to separate the Bishops as much as possible from secular duties, and raise their character by confining them as much as possible to their spiritual duties. He could hardly, without incurring an imputation of exaggeration, state the number of letters he had received from poor clergymen, stating the disadvantages they laboured under from not having present their bishops in their dioceses. There was not a diocese in England from which the absence of the bishop was not a matter of constant disadvantage and frequent complaint. Would they cause it to be supposed that bishops were not sufficiently taken up with their own spiritual duties, and that they must place upon them those secular duties? The third name on the proposed Commission was the name of a high dignitary in the law, Mr. Justice Coleridge, and he would ask, were not his duties as a Judge sufficiently responsible and onerous to take up his time and attention? They were generally thought sufficient for the strength of a young man, and they had been always thought quite enough to take up the time of one so venerable as the individual now proposed as a Commissioner. If it were necessary to have a man conversant with the law on the Commission, were there not able lawyers perfectly eligible who would be able to give up their whole time to the duties of the Commission? There was another Commissioner against whom an objection was to be urged of a different character. He had not the advantage of the acquaintance of Sir John Awdry, though he knew that he was spoken of highly; but he, unfortunately, had strong opinions, and of a nature which disqualified him, in his opinion, for being a Commissioner. One of the provisions of the Bill was to found new professorships by diverting a certain portion of the college funds for University purposes, and what was the opinion expressed by Sir John Awdry on that subject? He said, in a pamphlet he had published, that he would be distinctly opposed to any large increase of patronage to the Crown, and that to take college funds in order to endow professorships in the gift of the Crown was sheer robbery and confiscation. Those were very intelligible opinions, which he entertained very conscientiously, and set forth most ably; but was he to be called upon to carry into effect the provisions of a Bill which he said beforehand would effect sheer robbery and confiscation? The Government had a large class of men to select from, and he thought the choice of Sir John Awdry was not a wise nor judicious one. He did not wish to do anything so ungracious as to propose the substitution of any other names for those inserted in the Bill. What he proposed was, that the consideration of the names should be postponed until the Committee had gone through the other clauses of the Bill; Government would thus have time to consider whether they could not appoint other gentlemen whose nomination would be equally agreeable to them, and would be more generally acceptable to the public at large.

Amendment proposed—

"In page 2, line 4, to leave out the words 'the Right honourable Francis Earl of Ellesmere, the Right Reverend Father in God Charles Thomas Lord Bishop of Ripon, the Honourable Sir John Taylor Coleridge, one of the Justices of the Court of Queen's Bench, the Very Reverend the Dean of Wells, and Sir John Wither Awdry, late Chief Justice of the Supreme Court of Bombay.'"

LORD JOHN RUSSELL said, that it appeared to the Government that the course suggested by the hon. Gentleman the Member for Stroud was one which it would be very inexpedient to follow. This was a Bill which gave large powers, the exercise of which was in many cases discretionary with the Commissioners. Powers, for example, were given to the Commissioners to vary to a certain extent the execution of the wills of the founders of colleges, and of the trusts attached thereto; and he did not think that the House would like to give these extensive powers to any Commission unless they had first made up their minds as to the members of whom it should be composed, and to whom such powers should be entrusted. He believed that although the hon. Member (Mr. Horsman) had fair ground for saying that it would not be wise to appoint men whose time was fully occupied, yet that, on the other hand, if the Government had proposed to appoint persons whose lives had not been before the public, of whose reputation and character the House had little knowledge —although the Government might have full confidence in them—objections would have been fairly raised, and it would have been said that these were appointments to be made not by the Crown, but by Parliament, and that, therefore, it was necessary to name persons in whom Parliament had full confidence. Now, he believed that the persons whom it was proposed to place on the Commission were such that the University of Oxford and the public generally could safely confide in their duly executing the large powers entrusted to them. The hon. Gentleman, however, had said that the time of most of these persons was fully occupied. But if that were so, still, although they might leave to secretaries and others the preparation of materials connected with the ordinary business of the Commission, he was sure that when there was any question of principle, or that was of great interest to the University, before them, every one of the Commissioners would find time to attend to it, and would feel bound in conscience to look into it, and decide it according to the best of his judgment. He did not believe that the time either of a bishop of the Church of England or of a Judge was so fully occupied that he could give no consideration to a measure of this kind. He believed that the Bishop of Norwich had competently discharged his duty as one of the members of the late Commission of Inquiry into the University of Oxford, which had a task at least as difficult as that which would be committed to the body whom they were about to nominate. He (Lord John Russell) was, at all events, sure that that right rev. Prelate had given a great deal of time to the labours of the Commission, and had been present at nearly every one of its meetings. Nor did he believe that it was impossible for him to do this without, at the same time, neglecting his diocese. With regard to the Earl of Ellesmere, he was a person whose acquaintance with literature and whose general cultivation of mind were such, that he thought they might fairly place confidence in his capability of discharging the duties of a Commissioner. Although the noble Earl's health was not what could be wished, yet he believed that he would be able to fulfil his duties; and he was sure that, unless his Lordship felt that he could do so, he would not have accepted the office of Commissioner. With regard, again, to Mr. Justice Coleridge, he did not believe that his duties as a Judge would be incompatible with his duties as a Commissioner. The hon. Gentleman stated an objection which might be worth a good deal with respect to Sir John Awdry; but then he omitted to notice the answer which the other names on the Committee furnished to his argument. Although Sir John Awdry might in his pamphlet have stated opinions adverse to one of the purposes for which the Commission was appointed, still there were other parts of his pamphlet which might not be considered unfavourable to the general objects of the Bill. And even if he were, it must be recollected, on the other hand, that the Dean of Wells was a member of a Commission which had proposed much more extensive measures of change than were embraced in this Bill, and that if the opinions that a person held on this subject were to incapacitate him from being a member of the Commission, this very reverend dignitary would be liable to objection as well as Sir John Awdry. It was desirable to appoint persons in whom the public at large would feel confidence, and whose names would, on the other hand, give to the University of Oxford some security that those institutions which its members regarded as so hallowed and so venerable should not be recklessly or precipitately interfered with. He believed that there were many persons who thought that Parliament should not interfere at all with the University, but who had been reconciled to the present Bill by the names of the Commissioners, being satisfied that from them none but temperate and well-considered reforms might be expected. He hoped, therefore, that the House would at once proceed to the appointment of the Commissioners, and that they would agree to the names of the eminent persons mentioned in the clause.

Mr. HORSMAN said, he must remind the noble Lord that, with respect to the two names of Sir John Awdry and the Dean of Wells, there was a great deal of difference between appointing a person to carry out the provisions of a Bill of which he approved, although he might think it did not go so far as he wished, and appointing a person who was wholly adverse to the measure. If it was true, as stated by the noble Lord, that the Bishop of Norwich had attended almost every sitting of the Commissioners for inquiry into the University of Oxford, he thought it was most discreditable to him, because he must in that case have very much neglected the duties which he owed to his diocese. He thought, therefore, that this was a very bad precedent to place before the Bishop of Ripon. He believed that the secular duties which this Bill would impose upon him were quite incompatible with the spiritual duties of a bishop. And unless that House wished to declare that the Episcopate was a form, that they attached no importance to its spiritual duties, and that they did not object to our prelates leaving their dioceses and travelling 200 miles to discharge duties which had no connection with them, they were committing a great mistake in giving, by this Bill, a handle to those who said that the Church was a mere form, and that its members attached no importance to the functions of those who should be the central point of the spiritual life of their dioceses.

Sir JOHN PAKINGTON said, that he considered it a very extraordinary statement on the part of the noble Lord (Lord J. Russell), that persons originally opposed to the Bill had been reconciled to it by seeing the names of the Commissioners who were to carry out its provisions. He dissented altogether from the main argument on which the noble Lord rested his resistance to the proposal of the hon. Member for Stroud. They were going to intrust large powers to the Commissioners; it was, therefore, important to know who were to be the Commissioners. He thought it would be better to go through the Bill, and ascertain what were to be the functions of the Commissioners before they determined who should be the persons to perform those functions. He entertained the most unaffected respect for the persons appointed by the clause; but the question was, whether they could give their time and attention to the duties of the Commission. He was quite sure that, in the present state of the Established Church, any bishop who was anxious to discharge his duty would have his time amply occupied in his diocese, and he thought he might say that, with regard to the Bishop of Ripon and to Mr. Justice Coleridge, it would be scarcely possible for them to discharge their duty faithfully as Commissioners. Under these circumstances, he would appeal to the noble Lord whether the House would not be in a better position, when the Committee had gone through its several clauses and had ascertained what were the duties to be discharged, to decide who were the most competent to discharge those duties, than they were at the present moment.

Mr. SOTHERON said, he considered that the whole merit of the present measure consisted in the character of the persons who should be appointed to carry out its provisions. He, for one, should extremely object to the Bill if he had not the fullest confidence in the individuals who were nominated as Commissioners to enforce its enactments. With regard to one of the Commissioners, Sir John Awdry, he had the honour of being personally acquainted with him, and he was sure that Sir John Awdry would not accept the appointment of a Commissioner unless he were of opinion that the provisions of the Bill were such as ought to be fully carried out, and also unless he were determined to discharge his duty as a Commissioner in the enforcement of those provisions. He (Mr. Sotheron) had originally entertained considerable objections to the Bill, but he had been reconciled to it by seeing who were the persons nominated to carry it out, believing them, as he did, to be most honourable, excellent, worthy, and competent persons, and fit to be intrusted with the enforcement of such a measure.

Mr. HEYWOOD said, that there was not a single man of science on the Commission. He thought that they ought not to agree to its appointment until this omission was supplied.

Mr. BLACKETT said, that two of the five persons who were proposed to be appointed to be Commissioners were of strong Conservative opinions, and those two were likely to exercise great influence over the Commission. The Earl of Ellesmere, although known as having a sincere attachment to the University of Oxford, had never kept up any connection with it. The same might be said with regard to the Bishop of Ripon. It was twenty-six years since he was a student at Christ Church, and since that time he had never been at the University. Of the Dean of Wells he wished to speak with the greatest possible respect, but, without any discourtesy, he thought he might say that, from an amiability of disposition, he was the least likely, from his peculiar turn of mind, to stand up against an adverse majority. Then there were the two remaining Commissioners—Mr. Justice Coleridge and Sir John Awdry. Those two gentlemen were closely identified with what was called the Tractarian party in the University. They were persons of the highest respect, and their influence must necessarily be very great, but he certainly would never give a vote to strengthen that party in the University of Oxford.

MR. ROBERT PHILLIMORE said, it was his opinion that the great merit of the Commission was that the appointment of its members was not one-sided, but that it comprised men of all parties; and that for that very reason it would give satisfaction to all sober-minded men throughout the country. With respect to the objections that had been raised to the appointment of the Bishop of Ripon, he must remind the House that that Prelate was for many years senior tutor of Christ Church, and although, as a general rule, he believed it was the case that a bishop was fully occupied with the care of his diocese, still he thought it would be a most unadvisable thing to declare that all the bishops should be excluded from a Commission of so much importance as this, and which had to deal with questions so closely connected with the interests of the Church. The presence of a Judge in the Commission was also of great importance, because it would assure the country that the powers of the Board would not be perverted to any purpose of a purely party or exclusive character. He believed that the names of the persons nominated in the clause were a sufficient guarantee that they would exercise the powers intrusted to them in the manner that would best promote the interests of the University.

MR. VERNON SMITH said, he hoped that the noble Lord would consent to postpone the clause, in order that ultimately some arrangement might be made which could be assented to without the necessity of having a division on the subject. It was always a somewhat invidious task to divide upon the question of names. No doubt could be entertained as to the fitness of the Earl of Ellesmere to be at the head of the Commission, to which his position, genius, and literary attainments would add grace. As regarded the Bishop and the Judge, however, without meaning the slightest disrespect towards either of the eminent persons in question, and altogether disregarding the reference which had been made to their religious opinions, he must declare his conviction that neither of those functionaries was well placed on such a Commission. It would be impossible for them to attend the Commission without neglecting their other duties, and, from the nature of their ordinary occupations, they would frequently be unable to attend the meetings of the Board. Under these circumstances, it was probable that the whole power of the Commission, as had already been observed, would fall into the hands of the secretary. Having had experience of the working of many Commissions, he could declare that he never knew one which did not eventually fall into the hands of the secretary. At present the House did not know who the secretary was to be; but that was, in his opinion, the most important point of the whole arrangement. If the appointment of the secretary should be left to the Commissioners, the mainspring of the machine would be withdrawn from the control of Parliament. Objection was taken to one of the proposed Commissioners, Sir John Awdry, on the ground that he had written a pamphlet adverse to the Bill, and the noble Lord (Lord John Russell) met the objection by saying, that if that gentleman's views fell short of the provisions of the Bill, the views of another member of the Commission, the Dean of Wells, were in advance of the measure, and that, therefore, the Commission being a coalition one, they would have an opportunity of quarrelling with each other. It appeared to him that the appointment of the Commission should be postponed until after the clauses were agreed to, and then the Government would have an opportunity of naming persons to whom no objection could be taken. If forced to divide, he must vote for the Amendment of the hon. Member for Stroud.

Mr. WIGRAM said, he fully concurred in the remarks of the hon. Member for North Wiltshire (Mr. Sotheron), with respect to the importance of knowing the names of the Commissioners who were to be appointed to carry out the Bill. He thought that with respect to three of the gentlemen named, no effective objection to their appointment had been raised; but with respect to the Bishop of Ripon—although personally he was one of the fittest persons in the country to be appointed—yet he (Mr. Wigram) felt so strongly the importance of confining a bishop to the discharge of the spiritual duties of his diocese, that he could not help hoping that the Government would reconsider the propriety of appointing him on a Commission the duties of which must necessarily be arduous. As to Mr. Justice Coleridge, although the duties of a Judge were no doubt arduous, still when they saw that the Master of the Rolls was able to attend on various Commissions—he was at this time a member of the Indian Commission—besides discharging his duties in Court, he thought it could not be said that a Judge of one of the Superior Courts was unable to discharge the duties of a Commissioner under this Bill.

The CHANCELLOR of the EXCHEQUER said, that he understood the discussion before the Committee to be of a twofold character: in the first place, the Committee were discussing the objections taken to the names of the Commissioners; and secondly, the more general question of whether the names of the Commissioners should be settled at the close or at the commencement of the discussion of the Bill in Committee. Of course, by agreeing to the names of the Commissioners at this stage, no hon. Member would be precluded from moving alterations in those names at a future stage, if he saw cause to do so, after seeing the shape which the Bill assumed in Committee. He thought, however, that the observations of the hon. Member for North Wiltshire (Mr. Sotheron) were perfectly conclusive in favour of the course which the Government had adopted. They had found it necessary, in order to meet the exigencies of the University of Oxford, to intrust discretionary powers of almost unexampled extent to the Commissioners; as they had only the option between taking this course or adopting sweeping propositions in the rudest and most sweeping form, which must necessarily have led to the destruction of much that it was desirable to retain in connection with the University. But being obliged to give these discretionary powers to the Commissioners, it was the duty of the Government towards the University—towards those meritorious men whose whole lives' labours and the every thought of whose hearts was bound up with her—to state to Parliament the names of the persons to whom they proposed that it should delegate its authority, before they called upon it to give any opinion upon the powers which they proposed to confer upon the Commissioners. The duty of the Government was so plain on the subject that it did not admit of a doubt, and he could not help thinking that the Committee would coincide in that view of their duty. Objections had been taken by the hon. Member for Newcastle (Mr. Blackett) to two gentlemen proposed for this Commission, on account of what he presumed to be their religious opinions. He thought those objections had been very properly disposed of by his right hon. Friend behind him (Mr. V. Smith), that these were hardly matters which it was desirable for the Committee to entertain; at the same time, he thought that the Government would have been in fault if the proposition of the hon. Member had been true. The objection had been taken more particularly to Sir John Awdry, on the ground that he was supposed to have expressed dissent from some of the provisions of the Bill in a pamphlet published by him. His right hon. Friend (Mr. V. Smith) had appositely enough remarked, that whatever the opinions of Sir John Awdry might be, they would be neutralised by those of another gentleman, who went as much beyond the Bill as he fell short of it. He wished the hon. Member for Stroud had read through the evidence of Sir John Awdry, and the opinions expressed by him regarding University reform. Having himself read it with care, his opinion was, that the general tenor of that evidence, and the sentiments it expressed, were entirely conceived in the spirit of the Bill. Sir John Awdry said, the colleges ought no longer to maintain the monopoly of teaching, and that it was doubtful whether the restrictions on fellowships ought not to be relaxed. Having read what Sir John Awdry said on the subject of professors, and the application of the college resources to their support, he did not admit that it was at variance with the spirit of the Bill; what he desired was, that Parliament should deal with the colleges by plans adapted to each case, those plans being framed and carried into effect by the authority of persons acting judicially. The hon. Member for North Lancashire (Mr. Heywood) said he wished to have a scientific man on the Commission; if they would search the roll of names eminent at the Universities for a gentleman of the highest classical and scientific attainments, he did not think it possible that any one would be found whose claims could be considered superior to those of the Dean of Wells. The rev. Gentleman was Dean Ireland's scholar in 1827, double first class in 1828, mathematical scholar in 1832, F.R.S. and Savilian professor of astronomy in 1839, and professor of moral philosophy in 1842. Again, it was objected that it would be impossible for persons filling high situations to give proper attention to the important and onerous duties imposed by the Bill. He entreated hon. Gentlemen to reflect that the framing of a Commission to carry into effect such a Bill as this was no slight matter. If they wished to apply any measure of reform to any institution in this country, they must not trust to brute force—if he might use the expression—or mere acts of power, but they must look to carrying with them the confidence of those for whom they were to legislate. That was true generally, and he was confident it was more especially true in respect to the Universities of this country. They must also name men who had the confidence of Parliament. It might have been perfectly possible for the Government, by searching among their own friends or by private inquiry, to discover men more fit, perhaps, to discharge the duties of the Commission, and at the same time to fulfil the other calls on their time and attention to which they were liable. But if they wanted men of great experience and of a certain age, of known and tried abilities, and of great wisdom and prudence, he wanted to know where such men were to be found, and with evidence of there being such men patent to the world, if they were to be precluded from making choice of men of high standing? It was but just to the Bishop of Ripon to mention that when he was requested, on the part of the Government, to allow his name to be placed on the Commission, the first thing he did was to write and say that his diocese had the strongest claims upon his atttention, and that before he could take any step to intimate assent to his appointment, he must have such a description of the nature of the duties to be required of him as would satisfy him that he could conscientiously discharge them. The Bishop of Ripon was informed that they required much experience, but not the art of mastering a great mass of details. It would not surprise him (the Chancellor of the Exchequer) to find that it would be necessary to appoint two secretaries, by whom the details of business would be transacted; while the Commissioners would be able to direct their attention to the general working of the University system, and to see that the rules they might frame for that object were carried into effect. It was necessary to have for the members of the Commission men of active abilities, and who would give their full time to the transaction of the business to come before them. They must have a large amount of legal knowledge, as well as of general information—such legal knowledge as would enable them to frame the rules on which their proceedings should be conducted, and such weight and standing as would enable them to give effect to those rules. The Bishop of Ripon was not a person new to the subject; he was educated at Oxford University, and spent a great portion of his life in authority there, carrying on the system of tuition at Christ Church. His knowledge of practice, therefore, would be almost as perfect as when he left the University twenty-three years ago; and with that intimate acquaintance, derived, not from books merely, but from the practice of his life, his undertaking the duties of this Commission would not necessitate his abstraction from other cares. He, therefore, trusted the Committee would approve the proposal as to the principle on which the Commission was to be framed.

MR. DISRAELI said, he must protest against the doctrine broached by the hon. Member for North Wiltshire (Mr. Sotheron) that the Committee, in deciding upon this measure, was to be governed not by the nature of its provisions, but by the character of the persons appointed to carry those provisions into effect. If the House should act upon that principle, it would lead to dangerous consequences. For his part, he thought the Committee should particularly avoid the course it was recommended to pursue. Now, he did not think there was any principle more dangerous for them to entertain, or any course that could lead to results which they would all of them more deprecate. In affairs of the world not so interesting as those of their great Universities, in those joint-stock companies which they heard so much of in that metropolis, what was the cause of the depreciation and ruin which so generally prevailed, but that they had great names brought forward in order to attract the attention and command the confidence of the public, and persons were thus led to embark in transactions which they afterwards found had very little in common with the *éclat* and repute of those names on the faith of which they had ventured? We ought to give our opinions upon the measure without being bewildered by the names which had been brought forward as the trustees for its fulfilment. We had no security whatever that these individuals would ever be the permanent administrators of the Bill. He would not stop to inquire whether or not the Sovereign would have the power under this Bill of revoking the appointments when they had once been made; that appeared to be doubtful, but the course of nature might deprive us of the guarantee of the reputation and character of the individuals who were to administer the measure. He would not enter into any criticism with regard to the eminent persons whose names had been brought forward, but he most decidedly objected to the principle which had been laid down by the hon. Member for North Wiltshire, and which seemed to have been adopted by the Government, that our opinion of the measure was to be influenced, not by its own merits, but by the character and station of those who were to administer it. He should support the Amendment upon this ground alone, even if he did not object to the Commission; but, with the opinion at which he had arrived, he should feel it his duty to support any Amendment which had a tendency to resist the appointment of the Commission altogether. The principal ground, however, on which he now supported the Amendment was, that he could not in any way agree in the dangerous principle which had been brought forward this evening under the sanction of such high authority, that we were not to decide upon this measure upon its merits, but mainly upon the character of those to whom its administration was to be intrusted. This appeared to him to be a principle of such a dangerous character that he hardly believed it would be sanctioned, upon reflection, by the Committee. The right hon. Gentleman the Chancellor of the Exchequer had argued the case as if—if we agreed with the proposition of the hon. Member for Stroud (Mr. Horsman) —we should have no opportunity of sanctioning the appointment of the individuals who were to be intrusted with the administration of the Bill. What we were contending for was, that you should first of all definitively settle what you intended to do, and that you should afterwards consider who were the most competent persons to fill the offices you had decided to create. This was the most logical course, and the Bishop of Ripon certainly seemed to be of the same opinion, because he had said that he could not undertake the office which he was desired to occupy, unless a clear and definite idea were given him of what were the duties which he would have to fulfil. They were about to appoint the Bishop of Ripon to fill this office, but they had not yet settled what duties he would have to perform. There was an immense variety of Amendments upon the paper, and suppose one of them to the effect that the University should be thrown open to Dissenters should be carried. It might be successful, especially if it should be supported, as he supposed it would be, by the noble Lord the chief Minister of the Crown in that House. Then he would ask, would the Bishop of Ripon be equally ready to undertake the administration of the Bill? It was not at all clear, from the character which had been given of the Bishop of Ripon, that he might not turn round and say, "You were premature in proposing my name to the House of Commons; I told you that I would not undertake the office unless I had a clear description of the duties I had to perform, and I am not prepared to carry into effect the provisions which have been passed by the House of Commons." The most logical course, therefore, would be first to define the duties which were to be performed, and then to fix on the trustees to whom the administration of those duties was to be confided. There was another point to be considered. The Minister who had just addressed the Committee had argued the whole case on the assumption that the Crown and Her Majesty's advisers would, of course, make a most violent and imprudent appointment; that if the House assented to the measure without fixing the names of the Commissioners, the Sovereign, as a matter of course, would appoint the most improper persons to fill these offices. He took an exactly contrary assumption. He assumed that if we were not called upon to fix the names, but only to agree that certain duties should be delegated to five Commissioners, the appointments by Her Majesty would be wise, discreet, and proper ones. But, supposing that the Ministers were so indiscreet as to recommend improper persons to fulfil the duties of this Bill, surely it would be in the power of Parliament to address the Crown and to express their opinion on the subject. There were constitutional remedies at our command, and surely it was much better to trust to those remedies in case any grievance should occur, or any inconvenience or injury to the public service should happen, than to adopt so dangerous a principle, or to follow so perilous a course, as absolutely to lay down that that House should consent to a measure of which they did not approve because its management was to be intrusted to persons of whom all approved; and, because the Government might intrust the management of the Bill to persons not worthy of the confidence of the country, that they should forego a constitutional remedy which was always in their power, and assume that Her Majesty would be advised to take an unwise and unconstitutional course, and that Her Majesty's Ministers would fail to fulfil the trust confided to them and take a course that must meet with the disapprobation of Parliament.

Sir JOHN PAKINGTON said, he wished to be informed whether the secretary to the Commission was to be appointed by the Government or by the Commission, and whether, if he was to be appointed by the Government, the individual had yet been fixed upon?

Lord JOHN RUSSELL said, the individual who was to be secretary to the Commission had not yet been fixed upon, but he should have no objection to introduce his name into the Bill at a later period.

Mr. HORSMAN, in reply, said he would explain why he had taken the course of moving this Amendment. His first impression had been to move the postponement of the clause, but he had been instructed by the Chairman that this could only be done by the authors of the Bill, and the noble Lord (Lord John Russell) and the Chancellor of the Exchequer, to whom he had applied, had declined to accede to his request. His next impression had been to propose some names in opposition to those which had been inserted in the Bill, but he was sure the Committee would feel that there were objections to that course, as no gentlemen holding high positions would have wished to be placed in opposition to the Bishop of Ripon and Mr. Justice Coleridge, and he had therefore taken the only course which remained by moving the present Amendment. The Government had now heard the opinion of the Committee, and he thought he was justified in what he had done by the general opinion which had been expressed.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 169; Noes 141: Majority 28.

List of the AYES.

Adderley, C. B.
Alcock, T.
Annesley, Earl of
Atherton, W.
Baillie, H. J.
Baines, rt. hon. M. T.
Ball, E.
Baring, H. B.
Bethell, Sir R.
Biggs, W.
Bland, L. H.
Blandford, Marq. of
Bonham-Carter, J.
Bowyer, G.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Buckley, Gen.
Butler, C. S.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cavendish, hon. G.
Cecil, Lord R.
Chambers, M.
Cheetham, J.
Christy, S.
Clay, Sir W.
Clinton, Lord R.
Cobbett, J. M.
Collier, R. P.
Colvile, C. R.
Cowper, hon. W. F.
Craufurd, E. H. J.
Dalkeith, Earl of
Davies, D. A. S.
Denison, E.
Denison, J. E.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duncan, G.
Duncombe, T.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Elliot, hon. J. E.
Elmley, Visct.
Emlyn, Visct.
Esmonde, J.
Euston, Earl of
Ewart, W.
Feilden, M. J.
Ferguson, Sir R.
Filmer, Sir E.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Foley, J. H. H.
Forster, J.
Fortescue, C. S.
Freestun, Col.
French, F.
Geach, C.
Gladstone, rt. hon. W.
Gladstone, Capt.
Glyn, G. C.
Goodman, Sir G.
Goulburn, rt. hon. H.
Gregson, S.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Hale, R. B.
Hankey, T.
Hanmer, Sir J.
Harcourt, Col.
Heard, J. I.
Heathcote, Sir G. J.
Heathcote, G. H.
Heathcote, Sir W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hogg, Sir J. W.
Hutchins, E. J.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keogh, W.
Laing, S.
Langston, J. H.
Lemon, Sir C.
Lindsay, hon. Col.
Loveden, P.
Lowe, R.
Mackie, J.
Mackinnon, W. A.
MacGregor, J.
M'Gregor, J.
McTaggart, Sir J.
Mangles, R. D.
Massey, W. N.
Masterman, J.
Milligan, R.
Mills, T.

Milner, W. M. E.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncrieff, J.
Monsell, W.
Morris, D.
Mowbray, J. R.
Mulgrave, Earl of
Mundy, W.
Muntz, G. F.
Norreys, Lord
Oakes, J. H. P.
O'Connell, D.
Osborne, R.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Pennant, hon. Col.
Philipps, J. H.
Phillimore, R. J.
Pinney, W.
Ponsonby, hon. A. G. J.
Pritchard, J.
Rice, E. R.
Rich, H.
Richardson, J. J.
Rolt, P.
Russell, Lord J.
Sadleir, Jas.

Sadleir, John
Sawle, C. B. G.
Scholefield, W.
Scully, F.
Seymer, H. K.
Shafto, R. D.
Shelburne, Earl of
Shirley, E. P.
Smith, W. M.
Sotheron, T. H. S.
Stafford, Marq. of
Strutt, rt. hon. E.
Traill, G.
Vane, Lord A.
Vernon, G. E. H.
Vivian, H. H.
Watkins, Col. L.
Whitbread, S.
Wickham, H. W.
Wigram, L. T.
Willcox, B. M.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, C. L. G.

List of the NOES.

Alexander, J.
Arbuthnott, hon. Gen.
Arkwright, G.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barnes, T.
Barrington, Visct.
Beach, Sir M. H. H.
Bell, J.
Bennet, P.
Beresford, rt. hon. W.
Blair, Col.
Blake, M. J.
Boldero, Col.
Booker, T. W.
Bruce, C. L. C.
Buller, Sir J. Y.
Butt, G. M.
Carnac, Sir J. R.
Challis, Mr. Ald.
Chambers, T.
Chandos, Marq. of
Cholmondeley, Lord H.
Clinton, Lord C. P.
Coles, H. B.
Compton, H. C.
Crook, J.
Crossley, F.
Cubitt, Mr. Ald.
Currie, R.
Disraeli, rt. hon. B.
Dod, J. W.
Duncombe, hon. O.
Dunlop, A. M.
Dunne, Col.
Egerton, Sir P.
Farrer, J.
Ferguson, J.
Floyer, J.
Forster, Sir G.

Fox, W. J.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gardner, R.
Gaskell, J. M.
George, J.
Graham, Lord M. W.
Greene, J.
Gwyn, H.
Hadfield, G.
Halford, Sir H.
Hall, Sir B.
Hamilton, G. A.
Hastie, A.
Henley, rt. hon. J. W.
Herbert, Sir T.
Heywood, J.
Hildyard, R. C.
Hindley, C.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, H. S.
Kelly, Sir F.
Kendall, N.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Laffan, R. M.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lewis, rt. hon. Sir T. F.
Liddell, H. G.
Liddell, hon. H. T.
Lindsay, W. S.

Lisburne, Earl of
Lowther, hon. Col.
Macartney, G.
Maddock, Sir H.
Marshall, W.
Meux, Sir H.
Miall, E.
Michell, W.
Moody, C. A.
Mullings, J. R.
Naas, Lord
Neeld, J.
Newdegate, C. N.
North, Col.
Ossulston, Lord
Pakington, rt. hn. Sir J.
Parker, R. T.
Pellatt, A.
Percy, hon. J. W.
Peto, S. M.
Phillimore, J. G.
Phinn, T.
Pilkington, J.
Pollard-Urquhart, W.
Price, W. P.
Ramsden, Sir J. W.
Repton, G. W. J.
Ricardo, O.
Robertson, P. F.
Scobell, Capt.
Sheridan, R. B.

Sibthorp, Col.
Smijth, Sir W.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Somerset, Capt.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Starkie, Le G. N.
Stuart, H.
Thicknesse, R. A.
Thornely, T.
Trollope, rt. hon. Sir J.
Vance, J.
Vyvyan, Sir R. R.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walmsley, Sir J.
Walpole, rt. hon. S. H.
Whitmore, H.
Wilkinson, W. A.
Williams, W.
Willoughby, Sir H.
Wise, A.
Wyndham, Gen.
Wyndham, H.

TELLERS.

Blackett, J. F. B.
Horsman, E.

Clause *agreed to;* as was also Clause 2.

Clause 3 (If any vacancy occurs in the number of such Commissioners by means of death, resignation, or otherwise, Her Majesty may fill up such vacancy).

MR. WALPOLE said, he wished to call the attention of the Committee to the fact, that by this clause they would give the enormous powers conferred by the Bill to some unknown person appointed by whoever might be the Ministers between this year and 1858. He only consented to the Commission with the view of giving it the power of consenting to Acts being done, but not that of compelling them to be done, as he wished this to be made an emancipatory measure in the strongest sense of the word. He particularly called the attention of the hon. Member for North Wiltshire to this clause.

MR. VERNON SMITH said, that as they were then engaged in considering the last of the clauses which related to the appointment of the Commissioners, he wished to know how the votes of those Commissioners were to be given. Whether it was necessary that their decision should in all cases be unanimous, how many would constitute a quorum, and in what manner their power was to be exercised?

THE SOLICITOR GENERAL said, there was no necessity of inserting any special clause with regard to the manner in which the Commissioners were to come to a decision in the event of their being of different opinions, as it had already been prescribed by the law. The Bill contained the provisions requisite to enable a majority of the Commissioners to decide any questions that might arise.

MR. HENLEY said, he wished to know what was meant by the words "or otherwise" in the clause? Was it intended to reserve the right of the Crown to remove these Commissioners?

THE SOLICITOR GENERAL, in reply, said, that the Crown would not *ex mero motu* have power to remove any of the Commissioners. What it might do upon an Address from that House was another question.

MR. HENLEY said, he thought that there should be a clear understanding upon the point. He would therefore move that the words "or otherwise" be omitted.

MR. SPOONER said, he should support the Amendment, believing that as the clause stood it gave the Crown power to remove or appoint Commissioners at will.

THE SOLICITOR GENERAL said, that the clause was intended to provide for the supplying of accidental or contingent vacancies. It only specified death or resignation; but there were other modes—such as lunacy, for example—by which a contingent vacancy might occur, and it was to meet these cases that the words had been introduced. The clause did not give the Crown the power of removal, but of supplying contingent vacancies, by whatever mode they might arise.

MR. MALINS said, he would suggest, as a way of meeting both the objection of his right hon. Friend (Mr. Henley) and the views of the Government, that the words "or otherwise" should be omitted, and the clause stand thus:—"If any vacancy occurs in the number of such Commissioners by means of death, resignation, or incapacity to act, Her Majesty may fill up such vacancy."

THE SOLICITOR GENERAL said, he would consent to that alteration of the clause.

Clause, as amended, *agreed to*.

Clause 4 (Commissioners empowered to require the production of documents, &c.).

SIR WILLIAM HEATHCOTE proposed to strike out all the words after the words, "respectively and," in order to insert the words, "It shall be the duty of such officer to produce and furnish the same, any prohibition or impediment now existing or arising in or by reason of any of the Statutes thereof respectively notwithstanding," instead thereof. "Pleadable at the bar" was rather a cumbrous and unmeaning phrase, and he believed that the clause as worded gave a great deal of offence where none was intended. Though he did not so understand it, he knew that many persons looked upon it as if Parliament were arrogating to itself the power to dispense with the obligations of an oath.

Amendment proposed,—

In line 26, to leave out from the words "respectively and" to the end of the Clause, in order to insert the words "it shall be the duty of such officer to produce and furnish the same, any prohibition or impediment now existing or arising in or by reason of any of the Statutes thereof respectively notwithstanding," instead thereof.

LORD JOHN RUSSELL said, that the clause was intended to provide that persons who had taken an oath under the college Statutes should not be excused from producing their papers by virtue of that oath. If the hon. Baronet would insert the word "oath" as well as "any prohibition or impediment now existing or arising," he should have no objection to accept the Amendment.

SIR HENRY WILLOUGHBY said, he wished to ask what the bearing of the clause would be upon an officer who had taken an oath to regard the muniments of his college, and to give up no documents whatever? Surely Parliament could not relieve that man from the moral obligation of his oath, and he had no doubt that such persons would refuse to produce their documents.

MR. ROUNDELL PALMER said, he thought that this was a point of very great importance, and it was one to which he had devoted considerable attention, because oaths of a very stringent character were imposed in his own college, and the members of that college had done him the honour to ask his mature opinion of the obligations under which they were placed by those oaths. The opinion which he had given he now begged to repeat to the Committee. He thought that every such oath as was contemplated in the clause stopped in point of obligation under the authority of the law. It never could compel or oblige, and it never had been intended to compel or oblige any member of a subordinate institution of the State, constituted by law, to set himself up in rebellion against the law by virtue of having taken that oath. Without any doctrinal casuistry whatever, it was clear that every such oath was taken *salvo jure superioris;* and if that were the understanding, there would be no necessity to insert the word "oath" in the Act; but the legal obligation, as well as the moral, would be altogether the same if they adopted the language of the hon. Baronet near him (Sir W. Heathcote) instead of that which had been suggested by the framers of the Bill.

MR. HENLEY said, he infinitely preferred the Government scheme to the Amendment of the hon. Baronet (the Member for the University), because it was the most honest. They said that a man, having taken an oath, was to break it; but the hon. Baronet only spoke of "impediments." Why, what was meant by a college impediment but an oath? If they meant that men were to break their oaths, let them say so. That was at least a plain and intelligible proposition, with which most men would know how to deal. It did not appear to him that an Act of Parliament could relieve men of their oaths, because there were higher obligations than oaths; but he thought that they were doing violence to the consciences of people very unnecessarily. Why not have provided that if the oaths which people had taken prevented them giving information, the Commissioners might lay violent hands upon their books, and thus treat them as the Quakers were treated in the matter of church rates? He looked upon this as the most serious clause in the Bill; and, whatever the fate of the hon. Baronet's Amendment might be, he should divide the Committee against the clause.

LORD JOHN RUSSELL said, he quite agreed with the right hon. Gentleman, that if it were intended that these persons, in spite of any oath which they might have taken, were to produce the papers in their custody, the word "oath" ought to be inserted in preference to "impediment." He could not agree with him, however, as to the sacredness of the oath which had been taken. The right hon. Gentleman's argument would go the length of saying that any person, upon any subject, might direct an oath to be taken—not absolutely forbidden—and that then Parliament, and all persons acting under the law, would be precluded from ever obtaining any information from them. He could imagine even a person taking an oath by which he had bound himself to send supplies to the Emperor of Russia, and then saying that he could not refuse to send those supplies because he had taken an oath to do so. So long as these oaths did not interfere with the public policy of the realm, they might be regarded; but when the public welfare was concerned, it was impossible to say that Parliament would refrain from obtaining all the information which it desired because an oath had been taken not to furnish it. It appeared to him that persons who had taken these oaths in consequence of private Statutes were bound, when the public good required the production of their documents, to produce them—any private undertaking to the contrary notwithstanding. If they did not admit that doctrine, they admitted that all private persons throughout the realm might impose private obligations which might be directly contrary to the public welfare.

MR. WALPOLE said, the clause abrogated the oaths imposed by law as it then stood. The right hon. Gentleman the Chancellor of the Exchequer said these were not oaths taken by law, but as a voluntary obligation; but, if so, what was the character of the obligation? He (Mr. Walpole) thought the distinction between the abrogation of such an oath and the imposing of another was broad and plain. He wished to call the attention of the Committee to this Amendment. The words now in the clause were not in the original Bill, but had been introduced since the Bill was committed *pro formâ.* He had stated that his opinion was in favour of a permissive and enabling clause, and not a compulsory one. He thought a compulsory measure was not a measure which ought to be imposed upon the Universities and colleges; and he felt convinced that compelling the Universities and colleges to do something which they did not wish to do, was a proceeding in itself not just and proper towards them. If the words sought to be included by the hon. Baronet (Sir W. Heathcote) in this clause were to have the effect which he said they ought to have, there was, he thought, an end to all argument. He (Mr. Walpole) agreed with the right hon. Gentleman beside him (Mr. Henley), that Parliament never could relieve persons from the obligations by which they had bound themselves, and when, in point of fact, those obligations had been taken by and rested upon the minds of conscientious men.

THE CHANCELLOR OF THE EXCHEQUER said, the Bill had been framed in the manner now before the Committee with a desire upon the one hand to attain the objects which were absolutely essential for the purposes of the Bill, and on the other, to avoid saying anything which should injure people's consciences and people's doings. The hon. Baronet the Member for the University of Oxford (Sir W. Heathcote) said the words which were in the clause appeared to have reference to a suit; but those words had been selected because they kept far away from the domain of conscience. The first question was this:—Was it necessary for Parliament to take the power which the clause gave them? He (the Chancellor of the Exchequer) thought it was necessary to take the power, for at present the public and Parliament were in entire ignorance of many of the most essential facts connected with the Universities. At present neither the public nor Parliament knew anything respecting the revenues of the Universities, except a little knowledge gained from a private source. The late Commissioners had no authority to obtain such information against the will of the University authorities, and many of the authorities had refused, on the ground that they had taken oaths which prevented them, and which they considered bound them. Now, there could be no doubt that Parliament had a right to procure knowledge respecting the revenues of the Universities. With regard to private corporations, it had been admitted that there was a supreme power in the Legislature of the State for that purpose, and the same right surely existed as regarded the Universities. The words, as they stood in the clause, expressed that right in the simplest form, and it was clear that an oath was no legal justification to any parties to withhold information when requested to obey the summons of the State. The oaths which had been taken were purely voluntary, and he said with the hon. Member for Plymouth (Mr. Roundell Palmer) that such oaths were necessarily and essentially limited by the authority of the State. He (the Chancellor of the Exchequer) agreed with the right hon. Gentleman opposite (Mr. Henley) that they ought not to invade the domain of conscience at all; and the words proposed, as they appeared to him, kept that in view. If the Committee adopted the words proposed they would be evading the question, and provide a matter for discussion and argument, as to whether parties were bound to give information or not. It was absolutely necessary to constitute a legal obligation, and that had been done in the terms of the clause. The obligation under which parties were bound was not an obligation of a kind which could for a moment be put in competition with the supreme authority of the State.

MR. DISRAELI said, in case his hon. Friend (Sir W. Heathcote) pressed the clause to a division, he should feel it his duty to support him, but he agreed that the modification proposed by his right hon. Friend (Mr. Henley) should be adopted, and that the clause should end at the word "respectively," and thereby leave out the words now under discussion. He certainly thought that the introduction of the words proposed would lead to difficulties.

MR. J. G. PHILLIMORE said, he entirely agreed with the right hon. Gentleman (Mr. Disraeli) that the clause should end at the word "respectively." He was also of opinion that the obligation imposed was subject to certain conditions, one being that it should not violate the higher duty of Parliament. The insertion of the words proposed would lead to equivocal determination, and no object would be gained by adopting them.

MR. ROUNDELL PALMER said, he also thought that the suggestion of the right hon. Gentleman the Member for Buckinghamshire should be adopted. But he rose for the purpose of clearing himself from a strange misapprehension of his views and feelings into which the right hon. Gentleman the Member for Midhurst (Mr. Walpole), who he certainly thought would be the last man in that House to be guilty of an intentional misrepresentation, had fallen. The right hon. Gentleman imagined that he had said that the clauses of this Bill would repeal or dispense with the University oaths. Now, that was just the thing which he thought such a Bill could not possibly do. By introducing a compulsory clause, such as that under consideration, the Government did not dispense with the oaths, but created a new obligation having a higher sanction, and, as nothing could rise higher than its source—for he did not agree with the right hon. Chancellor of the Exchequer that the University oaths were not enforced by the law of the land—it was idle to say that the duty of obedience to the supreme authority of the State could be limited by the oaths taken in the University and colleges of Oxford. No person could be permitted to say that he was exempted from the general authority of the Government of the land, and had made a law for himself. The supreme authority of the State was incapable of being controlled in that way. It was impossible not to see the momentous consequences which depended upon the assertion of that principle. Great alarm would be created in the University if the doctrine of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) should be accepted to any extent there. If it should be thought that, by consenting to the requirements of the clause under discussion, the officers of the University would be guilty of a violation of their oaths, it was manifest that great and serious alarm would be created by the passing of this Bill. The House, therefore, should not legislate in any such way as the Bill contemplated, unless they were satisfied that on sound moral principles obedience to the law might be given. Now, he had no doubt that the heads and fellows of the Universities and colleges of Oxford and Cambridge held their emoluments with perfectly clear consciences, although they did not now celebrate masses or do any other thing which the law of the land had prohibited since the Universities and colleges were founded, notwithstanding that they had taken the very same oaths which were taken at the time when masses were legal and enforced by law. He held, therefore, that it was ridiculous and absurd to say that the officers of the University of Oxford would be guilty of a violation of their oaths if they obeyed the supreme authority of the State.

Mr. COLLIER said, he thought that, by leaving out the latter part of the clause, as suggested by the right hon. Gentleman (Mr. Disraeli), many persons would feel themselves justified in withholding information in consequence of some oath taken. He apprehended that there was very little difference of opinion between hon. Members who had spoken upon the subject of the oaths taken under the University Statutes. Though those oaths had not the same authority as oaths ordered to be taken by Act of Parliament, yet they were legal, as some authority was supposed to reside in the Universities to punish by penalty if not performed. If they were going to pass a superior law, which was to override the inferior law by which the oaths were imposed, they should endeavour to make that superior law as clear and distinct as possible, and as he thought the clause as it stood unexceptionable in that respect, he should support it in preference to the Amendment of the hon. Baronet (Sir W. Heathcote).

Mr. NEWDEGATE said, it was in vain for the Committee to attempt to dispense with the obligations which were imposed upon the officers of the University. They might indeed incapacitate these gentlemen from discharging their duties, and he would suggest that the Commissioners should be empowered, by force of law, to procure what information they wanted. In that way the officers of the University would be freed from all responsibility in connection with the execution of the law.

Mr. HEYWOOD said, he would propose that the word "oath" should be inserted before the word "impediment" in the Amendment of the hon. Baronet the Member for the University of Oxford. The right hon. Gentleman the Member for Midhurst had said that there was no precedent for the course which the Committee was now asked to adopt. That was a mistake; the Long Parliament afforded what appeared to him to be a very good precedent. [*Laughter.*] Hon. Gentlemen might laugh, but he thought they might safely take a leaf from the book of the Long Parliament, which was one of the ablest Parliaments that ever sat in that House. The Long Parliament, in 1649, appointed a special Committee on the subject of the Universities, and the result of their deliberations was, that an order was sent down to Oxford and Cambridge, calling upon the fellows to reform their own Statutes. We had the happiness to live in quiet times, and although it was not now necessary to interfere with private property, it was the duty of the Legislature to insist upon knowing what the revenues of the Universities were.

Mr. WALPOLE said, that as to the precedent cited by the hon. Member for North Lancashire, he believed Hallam, the great constitutional authority of the Whig party, had drawn a strong line between that period in which the Long Parliament had done good service to the country, and the period in which it had usurped its powers, and used them for most unconstitutional purposes; and if he recollected rightly, the precedent cited by the hon. Member was included in the latter period. He recollected that when the hon. Member for Manchester (Mr. Bright) proposed, on the Oaths Bill, that they should simply pass a resolution on the subject of oaths, instead of following the old constitutional practice, he pointed out that there was only one precedent for such a course, and that was the precedent of the Long Parliament. He certainly did not expect to hear the example of the Long Parliament quoted on the present occasion, and he was sure such a precedent would not be accepted by the Committee. He would refer hon. Members to the Statute of Elizabeth, which contained one of the noblest preambles Parliament had ever sanctioned, and remind them that it was under that Statute the Universities had flourished down to the present time.

MR. ROBERT PHILLIMORE said, he wished to call the attention of the Committee to an opinion which had hitherto been neglected, but which ought to have great weight—the opinion, namely, of the tutors of Oxford. In their paper of recommendations they requested the House to pass a compulsory measure for the very purpose of getting rid of the difficulty which might otherwise exist in regard to the oaths. Their opinion was, that the college oaths were only binding until the higher authority of the law was interposed, and if it should be the pleasure of Parliament to pass such a clause as that under discussion, they were perfectly ready to concur in it. Nobody had ventured to deny the sound constitutional doctrine that the State was the imposer of all oaths, and that minor corporations, such as the Universities of Oxford and Cambridge, only derived their authority to impose oaths from the State. It was perfectly monstrous to say that the State could alter its own oaths, but could not touch the oaths of a private corporation.

SIR WILLIAM HEATHCOTE said, he had no objection whatever to adopt the suggestion of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), which would meet his views quite as well as the words he had proposed. He thought, however, that considerable misapprehension existed in the minds of some hon. Members as to the nature of the clause before the Committee. The clause, as originally prepared, enabled the Commissioners to require certain things, but it did not say that any person who had taken the oath was or was not to be relieved from the operation of it. It left that to the conscience of any one who had taken the oaths. He thought that other words would better express the object aimed at, and he had accordingly proposed his Amendment, but at the same time he was ready to adopt the suggestion of the right hon. Gentleman to leave out the latter words of the clause altogether, and let the law, as it stood, deal with parties in each of the cases that might arise.

MR. HORSMAN said, the only doubt he had was, that if the words were left out, they would not be able to get the information which was absolutely necessary. Undoubtedly, it was not in the power of Parliament to dispense with the obligation of the oaths; but the supreme authority of the State ought to override that obligation, though at the same time parties should be left to put their own construction upon the oaths which they had taken. He thought it was necessary, however, that the officers of the University should be compelled to produce such documents as might be required.

MR. HENLEY said, he wished to call the attention of the hon. and learned Gentleman the Member for Plymouth (Mr. Roundell Palmer) to the difference between an oath taken with the knowledge that it had been unlawful to celebrate mass for 300 years, and oaths taken in matters in which many might consider the obligation as binding upon their consciences. There was surely a broad distinction between the two cases. He thought the desired effect would be achieved if the latter part of the clause were left out.

MR. ATHERTON said, he hoped the Government would accede to the suggestion of the right hon. Gentleman the Member for Buckinghamshire, but in order to show that it was the intention of the Committee to make the clause compulsory, he thought the following words should be added:—"and every such officer, on being so required, shall be bound, and is hereby required, to produce all such documents and accounts, and to give all such information."

THE CHANCELLOR OF THE EXCHEQUER said, he wished to call attention to the fact mentioned by the hon. and learned Member for Tavistock (Mr. R. Phillimore), that a large portion of the residents of Oxford themselves implored that House to declare them bound, in order that, under the authority of the law, they might safely do that which as private individuals they were unquestionably not inclined to do. It appeared to him that words corresponding to those suggested by the last speaker would be quite unexceptional, and would meet the views of the Government.

MR. MALINS said, he hoped the suggestion of the right hon. Gentleman the Member for Buckinghamshire would be agreed to.

The SOLICITOR GENERAL said, he would have no hesitation in adopting that suggestion, if he had any security for the effectual enforcement of the clause. The object of the Government was, not to absolve the officers of the University from the moral obligation of their oaths, but by the strong arm of the law to create an authority superior to that under which the oaths were taken, compelling parties to obey the law, although they should still hold themselves personally bound by their oaths. It was of the utmost importance, therefore, that the law should be clear and explicit. But there was another, though a minor, reason for allowing the clause to stand as it was. It was sometimes contended in courts of justice that an officer could not be called upon to perform any duty which was inconsistent with the conditions of his office, and the concluding words of the clause were thought to be necessary in order to prevent any officer of the University from refusing upon that plea to obey the demands of the Commissioners. He thought the Committee would see the propriety and good sense of introducing those words, although in point of law they might not be absolutely required.

Mr. EWART said, it was the duty of the Government not to shrink from declaring in close and explicit terms what the law was. He should therefore support the clause as it stood.

Question put, "That the words 'no oath which may have been taken' stand part of the clause."

The Committee *divided*:—Ayes 117; Noes 69: Majority 48.

List of the Ayes.

Acland, Sir T. D.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Beamish, F. B.
Bell, J.
Bethell, Sir R.
Biggs, W.
Blackett, J. F. B.
Bland, L. H.
Bonham-Carter, J.
Boyle, hon. Col.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Brown, W.
Bruce, H. A.
Buckley, Gen.
Butler, C. S.
Cardwell, rt. hon. E.
Chambers, M.
Chambers, T.
Cheetham, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Collier, R. P.
Cowper, hon. W. F.
Crossley, F.
Drummond, H.
Duncan, G.
Dunlop, A. M.
Esmonde, J.
Ewart, W.
Feilden, M. J.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Forster, J.
Fortescue, C. S.
Fox, R. M.
Fox, W. J.
Gardner, R.
Geach, C.
Gladstone, rt. hon. W.
Goderich, Visct.
Goodman, Sir G.
Greene, J.
Hall, Sir B.
Hastie, A.
Headlam, T. E.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Horsman, E.
Hutchins, E. J.
Ingham, R.
Keating, H. S.
Keogh, W.
King, hon. P. J. L.
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lawley, hon. F. C.
Layard, A. H.
Lee, W.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lindsay, W. S.
Lowe, R.
Mackie. J.
Mackinnon, W. A.
MacGregor, J.
McTaggart, Sir J.
Mangles, R. D.
Marshall, W.
Massey, W. N.
Miall, E.
Milligan, R.
Mills, T.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monsell, W.
Muntz, G. F.
Murrough, J. P.
O'Connell, D.
Palmerston, Visct.
Patten, J. W.
Peel, F.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pinney, W.
Ponsonby, hon. A. G. J.
Ramsden, Sir J. W.
Rice, E. R.
Richardson, J. J.
Sadleir, Jas.
Sadleir, John
Sawle, C. B. G.
Scobell, Capt.
Seymour, W. D.
Shafto, R. D.
Smith, J. B.
Strutt, rt. hon. E.
Thicknesse, R. A.
Thornely, T.
Walmsley, Sir J.
Walter, J.
Warner, E.
Whitbread, S.
Wilkinson, W. A.
Williams, W.
Winnington, Sir T. E.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, C. L. G.

List of the Noes.

Arbuthnott, hon. Gen.
Ball, E.
Bennet, P.
Blake, M. J.
Booker, T. W.
Buck, L. W.
Buller, Sir J. Y.
Cecil, Lord R.
Chandos, Marq. of
Cocks, T. S.
Craufurd, E. H. J.
Cubitt, Mr. Ald.
Disraeli, rt. hon. B.
Dod, J. W.
Duncombe, hon. W. E.
Dunne, Col.
Elmley, Visct.
Evelyn, W. J.
Farrer, J.
Forster, Sir G.
Galway, Visct.
Gladstone, Capt.
Goulburn, rt. hon. H.
Greaves, E.
Gwyn, H.
Hamilton, G. A.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Lacon, Sir E.
Laffan, R. M.
Langton, W. G.
Liddell, H. G.
Lindsay, hon. Col.
Macartney, G.
Malins, R.
Maunsell, T. P.
Michell, W.
Mowbray, J. R.
Newdegate, C. N.
North, Col.
Packe, C. W.
Pakington, rt. hon. Sir J.
Parker, R. T.
Percy, hon. J. W.
Philipps, J. H.
Phillimore, J. G.
Pritchard, J.
Repton, G. W. J.
Rolt, P.
Seymer, H. K.
Shirley, E. P.
Spooner, R.
Stafford, A.
Tollemache, J.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Vernon, G. E. H.
Walcott, Adm.
Walpole, rt. hon. S. H.
Whitmore, H.
Wigram, L. T.
Willoughby, Sir H.

	TELLERS.
Wise, A.	
Wyndham, H.	Heathcote, Sir W.
Wyndham, W.	Palmer, R.

MR. ATHERTON said, he wished to ask the hon. and learned Solicitor General what was the effect of the clause as it stood.

THE SOLICITOR GENERAL said, he considered that the words were sufficient to create a legal obligation, which might be enforced in the ordinary way.

Clause *agreed to.*

Clause 5 (Upon the first day of Michaelmas Term, 1854, all powers, privileges, and functions now possessed or exercised by the Hebdomadal Board of the said University shall be transferred to a Council composed in the manner hereinafter mentioned, which shall be called Hebdomadal Council).

MR. WALPOLE said, that he wished to offer a suggestion to the Government, as this clause was the first of a series of clauses affecting the constitution of the University. It was not his intention to propose any Amendment on the present clause, but as it referred to a council to be elected, as mentioned in a future clause (Clause 6), he thought that the opportunity was a fitting one for offering a suggestion to the Government. The reason why he would take that opportunity of stating his objections to Clause 6 was, to ascertain how far their assenting to Clause 5 would pledge them to adopt the constitution of the council proposed in the succeeding clauses. The Committee would bear in mind that the Hebdomadal Board—the present governing body of the University—consisted of the vice chancellor, two proctors, and twenty-three heads of houses, or twenty-six in all. To this governing body two objections were made: the first, that it was not elective; the second, that it was an exclusive body. It was not an elective body, in so far as it was composed of the heads of houses alone, and it was generally agreed that some alteration of a more popular character was required to be introduced into it. But there was this singularity in the present Bill—that what it proposed to do had not been recommended by the Commissioners, nor had it been proposed by the University itself, nor, as far as he was informed, was it acceptable to or approved by the great body of the members of the University; consequently, if the clauses passed as they were framed, we should now be forcing on them, at the wish of the Minister for the time being, a constitution which the Commissioners had not recommended, and which the University did not approve of. All were agreed that some alteration should take place; all were agreed that other elements and influences ought to be brought to bear on the governing body of the University; these were the professorial and tutorial elements, in addition to the elements out of which the governing body was exclusively composed, derived from the heads of houses. It was thought right that there should still be some heads of houses to represent the interests of the colleges, that there should be professors to represent those more immediately engaged in general studies and scientific pursuits, and that there should be tutors also in addition to these, as they were best cognisant of the actual state of education and instruction. The alterations, however, introduced by the present Bill were, or would be, of a different character. The Bill provided that there should be one and the same electoral body for these three elements; that the Congregation should be established, or rather revived, for the purpose of electing six heads of houses, six professors, and six members of Convocation, to constitute the governing body of the University. In addition to these, it was proposed that the Chancellor of the University should have the power of appointing one head and one professor to the council. Now, he thought that if the clause passed in its present shape, and the governing body of the University was elected under it, the result would be that the heads of houses chosen in this manner would not be those whom the heads would wish to elect for themselves, nor the professors those whom the professors would prefer, for, since both of these, as well as the six members of Convocation, would be selected for this purpose from the third element, a preponderating power would be given to that element in the future constitution of the governing body. He would therefore venture to suggest that a difference should be observed; that the heads of houses should elect seven heads to sit on the council; that the professors should elect seven of their own body; and that the Congregation should elect seven members of Convocation. These, with the vice chancellor and two proctors, would make twenty-six members of the council. If they did not give the heads and the professors the power of choosing their own representatives, they would run the danger of having lists of names handed about the University, which would soon become distinct party lists, like an election of boards of guardians; and instead of having three elements in the governing body, all would ultimately, perhaps immediately, be absorbed in one, since all would come from the same constituency. There was another point to which he would wish to call the attention of the right hon. Gentlemen opposite—that was the power given to the Chancellor of the University of appointing one head and one professor to the council. He knew that the present Chancellor strongly objected to any such power being given to himself, for reasons he (Mr. Walpole) must state. The nomination by the Chancellor of one head and one professor must necessarily take place either before or after the election of the others. What will then happen? If the election is before, the Chancellor would be put in the invidious position of having to prefer one man to the others; if after, then the greater difficulty would immediately arise, namely, that the head and professor named by himself would be considered inferior to those who were chosen by the University at large. For these reasons, he thought that such a power ought not to be left to the Chancellor of the University, as it might, and probably would, lead to jealousy and distrust. He would not now go into any other objections to the governing body, nor into questions whether they ought to leave the University to select such a body as she would think best fitted to manage her affairs; and this for two reasons—first, because the members of the University, who were supposed to have particular care of her interest, were clearly of opinion that the Hebdomadal Board ought to be taken away; and, secondly, because he found from the petition of the University itself that she did not so much object to this portion of the Bill as she did to that portion which interfered with the colleges. When they came to Clause 6, he would propose so to alter the mode of election as to allow the heads of houses to select their own representatives, the professors their own, and the Congregation or Convocation the remaining members of the governing body of the University. He believed that his mode would give more satisfaction than that proposed by Government, and he trusted it would be adopted.

The CHANCELLOR of the EXCHEQUER said, he would suggest to his right hon. Friend that it would be advisable to reserve any discussion on the question which he had raised until the 6th clause came under consideration, because to make any alteration such as that proposed by his right hon. Friend would involve matters of detail and alterations of words, and the subject could then be dealt with more conveniently. He had no objection to strike out the words "hereinafter mentioned."

Mr. HENLEY said, he wished to call the attention of the right hon. Gentleman to the machinery of one or two clauses. He thought things would get into confusion from the mode in which everything was to be done in one day. By Clause 5 on the first day of Michaelmas Term all these powers were to come into play, and by Clause 11 the first election was to be made on that day; if anything occurred to prevent it, the whole University would be thrown into confusion. There were two new bodies, which were to be invested with certain powers, and it would, he thought, be prudent not to bring those bodies into operation on the same day, but to give a fair margin.

The CHANCELLOR of the EXCHEQUER said, he had consulted the persons best acquainted with the working of the University as to the precise day to be named, but the matter might be left open till the Report was brought up. The 18th clause creates the Congregation by which the council was to be elected. The clause says that from and after the first day of Michaelmas Term it shall consist of such and such persons; and if the right hon. Gentleman consulted any Statute which passed that House, he would find that these words included the day named.

Sir HENRY WILLOUGHBY said, he wanted to know what powers and privileges of the Hebdomadal Board were to be transferred to the new council, because the Board, as at present constituted, discharged both administrative and legislative functions. If the new council were only to have legislative powers, a great deal of the objection to the measure would be removed. The Hebdomadal Board was well fitted for the exercise of executive powers. Was it intended that the Board should retain them?

The CHANCELLOR of the EXCHEQUER said, that it was not easy to answer the question in a satisfactory manner, as no one could give a precise account of what the functions of the Hebdomadal

Board were. The Statute of Charles I. appeared to him to confer none but legislative powers, but usage had in all such cases conferred on such bodies certain powers which would now, perhaps, be adjudged to belong legally to them, though not within the words of the Statute. He did not believe that their administrative functions were of any great importance. The vice chancellor, their president, was the person on whom the administration of the University principally rested. But whatever the powers were, it was proposed that they should be transferred. The Board was possessed of another power, neither legislative nor administrative, but rather judicial. It happened that from time to time the Hebdomadal Board were called on to put a construction on any Statute of the University on which a doubt had arisen, and the decision was accepted as an authority; that power also would go over. It was quite an error to suppose that the Hebdomadal Board administered the University; that rested with the vice chancellor and proctors. He had never heard it suggested that it would be desirable to have a second body to discharge those functions. He would call the attention of the hon. Baronet to this fact—that if there were any functions which would be better discharged by the heads of houses, arrangements could be made under the 9th clause, which empowered the Hebdomadal Council to constitute Committees, to which they might add members of Convocation not belonging to their body.

Sir HENRY WILLOUGHBY said, he thought it would be wise to introduce some words of qualification, limiting the council to legislative functions, and specifying (if it should be desirable) any exceptional case for the discharge of functions of another character.

Mr. HENLEY said, he would beg to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the many Acts of Parliament controlling the relations between the City authorities and the University, and he hoped that care would be taken so that no confusion should arise.

Mr. WALPOLE said, he must point out that the powers of the Hebdomadal Board were by this clause to be transferred to the council from and after the first day of Michaelmas Term; and by a subsequent clause the council was to be elected on that day by the Congregation. But the Congregation was not to be elected until that day, so that there might be an interval during which the University would be without any governing authority.

The CHANCELLOR of the EXCHEQUER said, there was a difficulty any way, and he scarcely knew how to obviate it; for it would not do to allow the old and new governing bodies to coexist; but as the interval would be reduced to one day, he did not think great public inconvenience would ensue from that circumstance.

Mr. NEWDEGATE said, that the right hon. Gentleman the Member for the University did not seem to know very well what the functions of the Hebdomadal Board were, but the Report of the Commissioners would have given the right hon. Gentleman some light on the subject, had he consulted it. He (Mr. Newdegate) saw plainly enough that the abolition of this Board had been determined upon; that the learned and estimable men who composed it had been run down purposely, and every matter, however trivial, exaggerated against them. He could only compare this treatment of the Hebdomadal Board to that of the victims of the *auto da fé*, in the days of Popish tyranny, who were vilified and dressed as devils, in order to reconcile and prepare the public for their sacrifice. Any one who knew how gross were the calumnies to which the Board had been subjected by a portion of the public press, could not fail to feel the justice of this comparison. The heads of houses were elected as the men best fitted to govern their respective colleges. They would not easily find a body of men so well suited to their office, each having been separately elected on account of his peculiar qualifications for government and discipline, as well as learning and piety. He was satisfied they could never find a body of men to maintain the discipline of the University better qualified than the Hebdomadal Board; and though he knew it was vain to hope to change the determination of the Committee, after the opinion which had been expressed, he must be forgiven the expression of his conviction that the proposed change was likely to inflict permanent injury on the University.

Clause *agreed to.*

Clause 6 (Composition of Hebdomadal Council).

Mr. WALPOLE said, he would propose

to omit the word "six" before "heads of colleges," for the purpose of inserting "seven," and after the words "colleges and halls," to omit the words "elected by the Congregation hereinafter mentioned of the University," for the purpose of inserting the following words, "be selected from among themselves by such heads of colleges or halls." If successful in this Amendment he should propose a similar one with regard to the professors.

Amendment proposed,

In page 2, line 35, to leave out the words "Elected by the Congregation hereinafter mentioned of the said University, and one other Head appointed by the Chancellor of the University," in order to insert the words "to be selected from among themselves by such Heads of Colleges or Halls," instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, the previous remarks of the right hon. Gentleman had raised two questions quite distinct from one another. One had reference to the principle called at Oxford sectional election, the other applied to the election of certain members of the Hebdomadal Council by the Chancellor of the University. With regard to the latter question that was a matter open to discussion. It had its advantages, and it was also open to fair objection. The Committee kept in view the advantages. By the present measure they were going to assign to the resident body of the University, through the medium of a representative organisation, a very much greater power to be exercised by them, as apart from the external influence on the education of the country, than they had heretofore possessed. And it must be borne in mind that the Government found it to be very difficult to qualify that power in an unexceptionable manner. The right hon. Gentleman's Amendment went to this, whether the constituency to elect should be a council or a convocation, and he was bound to say that the Government resisted any proposal to make Convocation the electing power instead of the congregational. With respect to those who had spent ten or twelve terms at the University, and who never had before or after any share in its concerns, though they contributed to swell the political constituency, and on other occasions gave their voice as members of Convocation, he considered it would be a great mistake if they were to recognise this very promiscuous body as entitled and qualified by their knowledge to appoint by election the persons who were to carry on the affairs of the University and to prepare the Statutes. That was not, therefore, an open question; Government was not prepared to make Convocation the electing body. But still it was most desirable that they should maintain the same relation between Oxford and the external world, in connection with the governing body, which already subsisted in other respects, and which was found to be highly useful. The position of the Chancellor suggested itself as an obvious means of accomplishing this object. The Chancellor was universally a man of great eminence—a layman, almost invariably—as there had been no instance of a clergyman having been appointed for centuries—a man deriving all his influence from the outward world, and therefore well qualified to represent the outward world in his dealings with the University. There was another consideration which ought not to be left out of view. At present the whole governing power of the University was vested in the heads of colleges and of halls, and of these four were appointed by the Chancellor, who had also the power of appointing the vice chancellor, and who had thus considerable influence in the governing body, and of course this considerable influence would be diminished by transferring the power of these parties from the Hebdomadal Board to the Hebdomadal Council. Now it was wished to maintain the office of Chancellor in its full dignity, because that power was felt to be highly beneficial to University interests. He was inclined to think, as he was at present advised, that it was not expedient to place the nomination of members of the Hebdomadal Board in the hands of the Chancellor. He proposed to strike this out altogether, and also to leave the number of the council twenty-two. However, that was a matter which he would reserve for future consideration. The main question was as to what was called sectional election. They were supposed to have agreed to a Hebdomadal Council of three classes—the heads of colleges, the professorial class, and the members of Convocation. The question to solve was, should the representatives be all elected out of the same body, or by the members of the class to which they severally belonged? The first of these plans was embodied in the Bill, the second was that advocated by the right hon. Gentleman (Mr. Walpole). It appeared to Government that each plan had its own separate merits. There were two considerations which weighed strongly with the Government in favour of sectional election. The first was, that while they were about to transfer power from a class which had long enjoyed it, it was undoubtedly their wish that the transfer should be effected with as little abatement to the dignity or injury to the feelings of that class as was possible; and as the heads of houses had been accustomed to transact the affairs of the University very much among themselves, undoubtedly it would be more agreeable to them that the election of their representatives should take place among themselves than among the general body of the Congregation. There was another and still more important consideration in favour of that course. They had felt it from the first to be indispensable to any plan for the reform of the University of Oxford that the professorial body should be augmented, not only in strength and endowments, but that a positive and definite place should be given to them in the University, and that there should be placed in their hands such a share of power as, relative to their influence, they might reasonably claim. Now, it was felt that they might strengthen that professorial power if they were to adopt the principle of the professorial body electing professors to the Hebdomadal Council. Those reasons in the first instance inclined the Government in favour of the plan of sectional election. But a large number of, he was proud to say, the ablest men in Oxford, who were strongly of opinion that the professorial influence, their numbers, their duties, their emoluments, and their powers, should all be increased, had yet joined in entreating the Government that the plan of sectional election should not be adopted; and they had sent up a deputation to his noble Friend (Lord John Russell), stating, "Give us the power of a Congregation, give us the power of a free utterance of our opinions, give us the power of stating what seems to us to be for the good of the University, and we are willing that the election of the professors themselves should remain in the hands of a well-selected Congregation." The Government thought this was a generous and trustworthy offer, and at the same time they could not be insensible to the objection of having three constituencies in a body which would not number above 200 or 300 members altogether. There would be a constituency of twenty-three or twenty-four members only among the heads of houses—a constituency of from thirty to thirty-five professors. Why, however eminent such men might be, and however excellent their intentions, it really seemed as if the word clique was invented to express what they must inevitably degenerate into. If the Hebdomadal Council was to be composed of men chosen from three separate constituencies, it must follow that they would come together, set against one another, to maintain the separate interests of their class, and to judge the bearings of every question that emerged in the spirit of jealous partisanship, the first duties of each being to consider what made for the interests of their respective constituencies. Now, it must never be forgotten that they were legislating for a place the greatest and most important function of which was the education of the flower of the youth of England, and it was essential to any plan they might devise that they should leave the authority of the University at least as strong as they found it. Now, he feared that would not be done if they adopted the plan of sectional election. His hon. Friend the Member for Kidderminster (Mr. Lowe) knew something of the working of sectional election at the other side of the globe. He had seen the working of a legislative body, one portion of which was the choice of power, the other portion was the choice of a popular constituency; and he knew the dissonating and distracting tendencies of such a system upon the body within, and its weakening and paralysing effect upon the body without. Now, the principle of this Bill was that of confidence. If they had no confidence in the men composing the constituency to be created, then this Bill was an absurdity from one end to the other. It was impossible that the Bill should work, except on the principle of confidence. The proposition from Oxford was, that they should work it on the principle of confidence—that a good and efficient constituency should be created, and then that they should give that constituency the power of electing all the members of the Hebdomadal Council. That plan his right hon. Friend opposite said was unacceptable to the University. He should be sorry to put his knowledge of the University in comparison with that of his right hon. Friend, but he must say that during all the years of his acquaintance with Oxford he had made it his study to know the feelings of the resident members, and he thought he knew, from direct communication and correspondence with them, the sentiments of a large majority of them, and he could state that, in their opinion, it would be a great evil if the Government were, by the plan of sectional election, to perpetuate, at least for a long period of time, the separate and divisional interests of the different classes of the University. If they adopted the other plan, elections would be made without reference to the narrow interests of classes. Representatives would be chosen with reference to the general interest, and harmonious working would be the result. The great sacrifice voluntarily tendered by the professorial interest and accepted in the same spirit by Government he hoped would be as frankly adopted by the Committee.

SIR JOHN PAKINGTON said, he would not dispute the right hon. Gentleman's superior acquaintance with the University, but he, too, had some knowledge of their opinions, and from all he had been able to collect he was led to a different conclusion from that of the right hon. Gentleman with regard to the opinion of the heads of the University on the question of sectional election. He had communication with several parties on the subject, and the information he obtained led him strongly to the conclusion that the sectional mode of election was preferred by the University; and he also ventured to think the right hon. Gentleman had drawn an exaggerated picture of the bad effects of that mode of election if it was adopted. The right hon. Gentleman appeared to think that by that system professors would consider only the interest of professors, and so on throughout. But he saw no reason why heads of houses and professors, if they became members of the same body, should take a more narrow view of their duties because each had been elected by his own class, than they would do if elected under what the right hon. Gentleman called the congregational mode. It was impossible to hear the discussion on this clause without feeling that it raised some of the most important questions which were at issue. He would not advert to the question of the nominations by the Chancellor. There was no sufficient reason assigned for the proposed change from the Hebdomadal Board to the Hebdomadal council. The Report of the Commission recommended no such thing; it left the Board as it was at present constituted, or nearly so. However, it was not his intention to raise any objection to the change, as there appeared a general feeling of the Committee and of the University in favour of the three classes forming the constituent body as contemplated by the Bill. But he must confess that he had a preference for the mode of sectional election. He should support the Motion that heads of houses be chosen by heads of houses, and professors by professors; and he would even go further than the right hon. Gentleman, for at the proper period it was his intention to move an Amendment to leave out the word "Congregation" and substitute the word "Convocation." The second line of the present clause raised another important question, whether or not they could accede to the recommendation of Government for the appointment of Congregation. He was ready and willing to consider any argument the right hon. Gentleman might have to advance in favour of the proposition. He hoped at the proper moment the right hon. Gentleman would give a clear and full explanation for the introduction of this entire novelty in the constitution of the University. The right hon. Gentleman might tell them that Congregation was not a novelty, for its revival had been indicated in the Report of the Commission. He would admit that the Commission adverted to a body called the Congregation, which once had large powers; and, in a conservative spirit, implied that if the body was re-enacted with increased powers, it would not be a novelty, but a revival. The right hon. Gentleman must admit that Congregation, as it was to be enacted in this Bill, was a very different body from that which had been recommended by the Commissioners in their Report. The Congregation provided for in the Bill would be at least twice as numerous a body as that contemplated by the Commissioners. No power was given to this new body to make amendments, and it would only have the power of saying aye or no to any measure which the Hebdomadal Council might lay before it. He should therefore support the Amendment.

MR. HORSMAN said that, as the Amendments of which he had given notice were embraced in those already moved by the right hon. Gentleman the Member for Midhurst (Mr. Walpole), he should prefer taking them in the way they now came before the Committee. The right hon. Gentleman had said that the three bodies would be at strife with each other; but that was the fault of the Bill, for the Bill recognised three interests, which were sent in to counterbalance each other. According to the Bill the Hebdomadal Council was to be composed of three interests—seven professors, seven heads of houses, and seven members of Convocation. He did not know why their numbers had been made the same, unless it was that they had been recognised as three separate and distinct interests, which required to be balanced one against the other. If that was the principle involved in the Bill, it was a mockery to say to these men that they should be represented, but that they should not choose their own representatives, and that they must be chosen by that very interest which would overpower them. The tutorial interests predominating in Congregations would overwhelm all others. If it was really understood to give each of these interests a power of balancing and checking each other, they ought to be allowed to select the best men to protect their interests. The question, therefore, arose, if the interest of the heads of houses was to be protected against the hostile interest of tutors, whether the best representatives were likely to be elected by the tutors or by the heads of houses? In the same manner as regarded the professors, they must consider whether the best professors were likely to be selected by the professors. The Bill made inevitable that conflict of interests which the right hon. Gentleman opposite deprecated. The right hon. Gentleman (the Chancellor of the Exchequer) had stated that the opinion of Government had undergone a change on the subject of sectional election. Might he ask whether a majority of the deputation from Oxford which had waited on Government on the subject did not consist of tutors?

The CHANCELLOR of the EXCHEQUER said, he must beg to be allowed to correct a mistake into which the hon. Gentleman had fallen, on the authority of an anonymous statement as to the number of tutors in the University. He did not think there were 100. He remembered the time when they were only about eighty. The hon. Gentleman seemed to think that heads of houses, tutors, and professors were three separate and distinct bodies; but that was not the case. Many tutors were heads of houses, and many heads of houses were professors.

Mr. NEWDEGATE, in supporting this Amendment, said, he wished to draw the attention of the Committee to the fact that it was on the plea of the necessity of electing these three classes, who it was proposed should constitute the Hebdomadal Council, that they were asked to create an entirely new body, for which had been chosen the old name of Congregation, and which would, in fact, be the governing body of the University; for if the plan of the Government were carried out, the Hebdomadal Council would be a mere emanation of this new body—Congregation. Let the House consider how measures for the consideration of Convocation, the present governing body of the University, were to be initiated, and they would understand the enormous power which it was proposed to place in the hands of this new body—Congregation. At present all measures for the government of the University, all questions for the consideration of Convocation, must emanate from the Hebdomadal Board, which consisted of the heads of houses, the vice chancellor, and proctors—in all twenty-six persons—who were likewise charged with the administration of the discipline, and the enforcement of the Statutes of the University. This body was independent in its constitution, had proved most valuable for the maintenance of the discipline of the University, and at the same time amenable to the public opinion of the University in the initiation of subjects for the consideration of Convocation on all great questions. At present the whole legislation of the University originated in the Hebdomadal Board, but it was now proposed to create a new nominated body of some two hundred members, to whom virtually would be delegated the power of initiating measures; for the proposed Hebdomadal Council would be a mere committee or delegacy of this new Congregation, to which body all measures and questions must be submitted by their Committee, the Hebdomadal Council, for approval or rejection, before they could be submitted to Convocation. Thus would the direct communication between the initiative body and Convocation, the legitimate legislature of the University, be intercepted. This new body would be totally independent of Convocation, and large and powerful enough to be inspired by a spirit of intense rivalry against Convocation. To explain this proposed organisation to the House he would compare the constitution thus proposed for the University with the political constitution of this country. He would compare the proposed Hebdomadal Council with the Cabinet, the proposed Congregation with the House of Lords, the Convocation with the

House of Commons. Now, the constitution of the State would be analogous in action to that proposed for the University, if the Cabinet were to become a Committee of the House of Lords, from which all measures must emanate for the consideration of the House of Lords, without whose assent no measure nor question could originate in or reach the House of Commons. He well knew that the House of Commons, as the popular and representative body of the State, would never submit to be thus fettered and incapacitated from independent action. He would pray the House of Commons not to enforce fetters, such as they would never bear themselves, upon Convocation, the noblest municipality, the most intellectual, the most justly honoured, popular, and representative body of the United Kingdom, peculiarly adapted, as it was, by educational attachment of its members, the masters of arts, for the government of the University. How would this measure affect the relation of the University to the Church of England? The Convocations of Oxford and Cambridge afforded the only independent, the only means, of expression left to the Church of England; but now they were about to constitute a new body, large enough to be the rival of Convocation of Oxford, in which body it was proposed to vest the whole powers of initiating measures for the government of the University, as well as the power of deciding upon what questions of general importance Convocation should be permitted to express its opinion by petition. It was proposed to constitute a nominated body of residents in the University, to whom would be given a direct power of controlling and preventing the action of Convocation in the government of the University. By this means the great body of the Church of England would be deprived of the means of regulating the education of those who were to be its future clergy, which it hitherto possessed. Convocation was a most enlightened constituent body, the best adapted for the government of Oxford University of any that could be created. It constituted a direct connection between the Church of England and the University, and yet they were about to interpose a third body between Convocation and the University. The excuse was, that this proposed body was necessary to elect the Hebdomadal Council; but it had been clearly shown that no such necessity existed. It had been shown that the Hebdomadal Council might be more advantageously constituted by the election of three several classes—the professors by the professors, the heads of houses by the heads of houses, and the remaining third, the masters of arts, who were to be admitted to the Hebdomadal Council, by Convocation. If this last privilege were not conceded to Convocation, Parliament would cut off—as he believed it was the intention of the Government to do—the communication between Convocation and the initiative and administrative body of the University, by interposing between them the proposed new body—Congregation. It happened that while he was at Oxford the Tractarian movement had commenced, and, he might be permitted to say, that no danger more serious had ever threatened the Church of England. It had been the means of transferring to the Church of Rome some of her ablest members—men who had since become her most bitter assailants. Now, had that danger, he would ask, arisen from within or without Oxford, among the non-resident or among the resident members of the University? It had had its origin within, and it was from within that it was proposed to constitute that power which was to interrupt the relation between Convocation and the University. What was the history of that great danger, the rise of Tractarianism? It had been opposed by that Hebdomadal Board which it was at present sought to abolish. It would have been crushed by Convocation, which the measure before them proposed to supersede, had it not been for the interposition of the veto of the proctor, which was about to be retained. Now, looking back at the last great danger which had threatened the Church of England, he should ask the House to pause before it consented to deprive the government of the University of its free and popular character, derived directly from Convocation, the fair and honest representative of the Church of England. Such were the constitutional objections to the scheme under discussion. Nothing could be more unlike the old Congregation, which had long since lapsed into being mere form, than the novelty which it was proposed to raise up and endow with its name. That was a novelty which had been created by the Government, and for which they had no sanction from the University whatsoever. On the contrary, the opinion of the University, so far as it could find expression, was in direct opposition to the proposition of the Government. The petition of Convocation to Her Majesty prayed for powers which Her Majesty might have given consistently with the constitution of the University and her right as visitor, had not the right hon. Member of Parliament for the University and the Government advised Her Majesty to refuse. That petition stated that Convocation desired to preserve the Hebdomadal Board, but to constitute another Board, elected from Convocation, to participate in the initiative power which the Hebdomadal Board possessed. The petition prayed for nothing like the constitution of this new Congregation, but for an organisation totally dissimilar; in fact, for power to appoint a delegacy of Convocation to perform the functions which the Government were seeking to vest in other hands. It had happened upon two most important occasions that Convocation had given expression to opinions in which the right hon. Gentleman the Chancellor of the Exchequer had not participated. Convocation had petitioned against the Jew Bill. The right hon. Gentleman had upon that occasion stated that he regretted that he differed from the body which he represented; but that really they must leave matters of legislation in the hands of persons whose province it was to deal with such matters. Convocation had also been opposed to the Papal Aggression, and in favour of the Ecclesiastical Titles Bill. Against that measure the right hon. Gentleman had recorded his vote. Now, he should put it to the House to say whether, when it was taken into account that in those two marked instances the right hon. Gentleman had differed from the opinion of his constituents, there might not be some natural bias in the mind of the right hon. Gentleman towards choking the expression of sentiments which were not always found to be in accordance with his own. He should, in conclusion, once more remind the House that in the clause under their consideration the free action and independence of the University was to a great extent involved.

Mr. LOWE said, he would not follow the hon. Member for North Warwickshire, who had just resumed his seat, at any great length, into the regrets he had expressed at the miscarriage of the constitution which had been proposed by the University, or rather by the heads of houses and Convocation, because he apprehended that any one who had taken the trouble to make himself acquainted with that constitution would be aware that it would have reduced matters to a perfect deadlock, that it would have rendered it impossible for the University to go either backwards or forwards, and would have sealed up every possibility of reform or alteration. The plan was, in fact, because the heads of houses had not been found to possess in the fullest extent the confidence of the members of the University, to appoint another board to act with them, and it was proposed that, as the two boards would not be able to agree, they should be told to sit down harmoniously together and fix upon some plan, and that nothing should be proposed until this had taken place. It was very much as if Her Majesty's present Government, having been so unfortunate as to lose the confidence of the House of Commons, the House, instead of turning them out and replacing them by those who possessed that confidence, should have appointed another Cabinet from the other side of the House, and directed them to sit together, and agree in the initiation of measures for the government of the country. And, in case this combined Cabinet should not agree in the initiation of measures, they should confer together until they could do so, the House of Commons in the meantime sitting with its arms folded, unable to stir on any subject whatever until the Cabinet had agreed upon the subject under its consideration. This was the constitution for the University which the hon. Gentleman (Mr. Newdegate) regretted. He could not agree with him in so doing; neither did he believe the Committee would agree with him in thinking that there had been a great deal lost to the popular cause, or the cause of freedom, or the British Constitution and liberty, and all that sort of thing, in Oxford, because a body was to be interposed between the heads of houses and Convocation. Having resided for many years at Oxford, he could say that it was felt most bitterly by many of the residents that they were placed under an oligarchy, under a body of men who, however respectable, learned, and pious they might be, could not from their position and the nature of their avocations, represent the feelings and the spirit of the University, and there was nothing more desired in his time, and he believed now also, by those who constituted the support, the mainstay of the University, than that there should be some means of representing the opinions of residents and that the

University should have something else to rely on as an exponent of her wishes and feelings than, on the one hand, a body of men, advanced in life, whose only connection with her arose from their being at the head of different societies, and, on the other hand, a body of gentlemen gathered from the four winds of heaven, who assembled to the number, sometimes, of 400 or 500, to vóte on questions which they often did not understand, and had never heard of until they came to Oxford. The power that Convocation exercised was now, or used to be, wielded by very few hands; and, although that assembly numbered many votes, the truth was, that a few tutors of great colleges, by combining together, could create a body against which all the resident members, who were really interested in the question to be decided, who would be sufferers or gainers in proportion as Convocation decided rightly or wrongly, would be powerless. He had seen Convocation made an instrument of, in a manner painful to reflect upon. For example, in the year 1836 he had seen 800 persons brought up to condemn a work of Dr. Hampden's, which not one-tenth part of them had ever read; he had seen that same Convocation afterwards turn on those of whom it was the obedient instrument in 1836 like Actæon's dogs, and come up with the same want of reflection and the same heat and violence to condemn their doctrines. He did not think it was either desirable or necessary that such a body should be left uncontrolled to exercise the same influence over the resident members which it had hitherto exercised. But he had risen principally to allude to the question of sectional elections, and he thought the hon. Member for Stroud (Mr. Horsman) had altogether overstated his case with regard to this point. The hon. Member had represented that the whole object and aim of the present Bill was, by putting three classes of persons into the initiative body, to bring matters as far as possible to a deadlock by constituting three factions, totally inimical to each other, each looking entirely to its own interest, holding the other in check, and two of them conspiring to crush the third. If such were the object of the Bill, he could not imagine a less worthy object of the hon. Gentleman's support than an attempt, such as this would be, to create an eternal triad, two of the members of which should always be in opposition to a third. But neither the hon. Member nor any hon. Gentleman who had spoken to-night impugned the wisdom of the proceeding which assigned as the constitution of this Hebdomadal Council three separate and distinct parts—professors, members of Convocation, and heads of colleges. The propriety of this arrangement seemed to be admitted, and the only question was, whether the members of the council were to be elected by homogeneous constituencies or not? The best way to decide this question was to consider what were the principal reasons for making the proposition which had been brought forward. He did not know on what grounds it had been determined upon, but he could easily imagine on what grounds it ought to have been determined upon. The first reason that he could imagine for requiring any certain amount of heads of colleges in this body was, that we might carry out gradually, that we might ease, the great revolution we intended to accomplish, as it was not felt to be expedient in a place like Oxford, where violent changes were very much to be deprecated, to take away at once the governing power from a body of men who had possessed it since the reign of Charles I., and, therefore, it was not an unwise provision that at least one-third of the governing body should consist of those who had hitherto possessed the whole executive and initiative power. But, on the other hand, this precaution was to be taken. The great evils under which Oxford had suffered were, that those who represented the University much more nearly represented the collegiate element; that those who possessed the initiative and executive at Oxford were appointed to their offices, not from their position in the University, but from their positions as heads of colleges, and that there was, therefore, a tendency, which was developed into action at the end of the last century, to absorb the University into the colleges—the greater element into the less. It therefore seemed needful, in order to guard against this tendency, that some element should be introduced to represent the University, and to be a guarantee against the repetition of the evil, and that element was very properly found in the professorial element. He thought it was quite a mistake to view the different elements in this body as having been introduced in the hope and with the idea that they would check and control each other. The intention of the Government was now fully explained. It was, as a necessity for great changes existed, to give a guarantee for the representation of certain elements which it was desirable should be represented. But, having done this, why was it necessary to do that which the hon. Member for Stroud (Mr. Horsman) and the right hon. Baronet the Member for Droitwich (Sir J. Pakington) proposed to do—to ride a good principle to death, because the three separate bodies were to elect their own representatives? The right hon. Baronet the Member for Droitwich thought that there would not be any difference whether the council were elected by the members of Convocation at large or by their own bodies. But the difference would be manifest and evident, for, if heads of colleges were elected by heads of colleges, and professors were elected by professors, instead of returning those who were best qualified to promote the interests of the University, they would elect those who were best calculated to subserve the interests of the class which had chosen them. That was not desirable. Granting that it would be advisable to choose out of those three classes an equal number of members of the board, still it could not be desirable to create and to foster class feelings; but it must be infinitely preferable to delegate the choice to a body quite distinct from, and independent of, the three, the object of whom would be to select the best men that they could find. All these gentlemen lived in the same small town. They met day by day, and if Parliament gave to each fraction such an independent system as was proposed by the Amendment of the right hon. Member for Midhurst, the result would be to divide the University into three distinct classes. If, on the other hand, they gave them one homogeneous constituency, they would get whatever good there might be in the sort of conservative precaution which was supposed to exist in that threefold system, while the amount of passion which would be excited would be as small as was possible in an election contest. The truth was, that the constituency ought to work together as one homogeneous system. There was no strong amount of division between these parties, and, when it was said that the tutors were opposed to the heads of colleges, it should be remembered that when the heads of colleges ceased to be the governing body of the University the distinction between tutors and heads would cease. Whatever opposition now existed between them arose from the fact that one was the governing class, and that the other had no power whatever. When that should be removed, therefore, all opposition and distinction would be destroyed. For these among other reasons he hoped that the Committee would not take the illiberal step of subdividing the small constituency which Oxford could bring to bear in the election of this body into three smaller constituencies, which, instead of working harmoniously for the public good, would become, in fact, three hostile factions, whose proceedings would only tend to perpetuate jealousies, bickerings, and mistrust.

MR. HENLEY said, he willingly admitted the ability with which the hon. Gentleman who had just sat down had handled the question, but he thought that the illustration which he had given might have been found in the Government of which he was himself a Member, without supposing a union of the Cabinets on the two sides of the House. He wished to state the reasons which would induce him to vote in favour of what had been called "sectional elections." They all knew that everything in the University was carried by religious sects or parties, and no person could very much doubt what would be the case if the Congregation were to be constituted as proposed by the Bill. The whole of that body would—to borrow a phrase from the right hon. Gentleman (the Chancellor of the Exchequer)—be elected by a clique. The younger portion, who constituted the movement party, would outnumber all the others, and they would have the election of the whole body. No man knew better than the right hon. Gentleman what the movements of that party had been in the University within the last twenty years, and he had no hesitation in saying that if during that period the power of the University had been in the resident body, everything would have been carried in the most ultra-Tractarian way. The hon. Member for Kidderminster (Mr. Lowe) had alluded to what had occurred in 1836, with reference to Dr. Hampden, but that was only another proof of how these things were conducted, and the hon. Member must know that if the resident members had been let alone, a much stronger resolution would have been carried against Dr. Hampden than actually had been proposed. It was stated that the University was now in the hands of an oligarchy of twenty-four; but he had no hesitation in saying that if they gave this proposed power to the tutors it would be in the hands of an oligarchy of about 100.

Instead of an open constituency of 3,600, those 100 gentlemen, who would constitute the majority of class No. 9, would carry everything before them. The right hon. Gentleman wanted to let down the heads of houses easily, and he had stated that the professorial element were willing to relinquish any position which they had enjoyed, but those professorial gentlemen never had had the position which was occupied by the heads of houses, and they would, in fact, be elevated while the others would be brought down. He felt so strongly upon this point that, if nobody else had raised it, he certainly should have done so. He did not subscribe to the propriety of committing the whole power of the University to the resident members. He believed that a man was often much better fitted to judge of what was good for the University after he had lived ten or twelve years in the world than if he had stayed at the University, and occupied himself for eight or ten hours a day in teaching. There would always be a movement party amongst the class of young men to whom this Bill proposed to give the principal power. It was natural to their time of life, at which there was always a desire to change something; and he felt convinced that if they gave them the power of initiation, no questions to which they were opposed would ever reach Convocation. They knew the extent to which Tractarianism had been carried in that University, and they were now told that a reaction had set in, and that the German principle was rife there. He thought that the hon. Member for Stroud (Mr. Horsman) had gone a little too far in what he had said upon that subject the other night; but no man could say what might not occur there, for the clerical element would always be the prevailing element in Oxford, and it was not for the benefit of the University to place its government in the hands of persons liable to be swayed by any religious tenet which happened at the moment to be in favour. In the plan as proposed by the Amendment, the professorial would be more particularly the lay element, and the heads of houses would, as a section, contain men of different ages, who would not be likely to be too much imbued with the clerical element, which was sure to have its attractions for younger men. Now, the sectional system would have this great advantage, that the members of the council would then be elected by classes taking different views; they would be elected partly by men of mature age and reflection; and they would not in that case, therefore, be composed of persons of the one predominating religious party, which there was always sure to be amongst the young men of the University, who would form so powerful an element in the Congregation which it was proposed to constitute by this Bill. It was well known that when persons of the clerical profession differed upon any points, their very zeal caused them not to regard those who dissented from them with so much forbearance as was desirable. High Churchmen would not look at Low Churchmen, nor the latter at the former; and he felt convinced that if they threw the whole power of the University into the hands of one constituency, when one of these parties would predominate, all questions would be decided on purely party grounds. For these reasons he should support the Amendment before the Committee, which he understood to be in favour of sectional elections.

Mr. EVELYN DENISON said, that when the right hon. Gentleman the Chancellor of the Exchequer set out the arguments in favour of sectional election, with a view of combating them, he did not think the arguments he adduced against them were so powerful as to do away with the force of the original arguments, and he (Mr. E. Denison) thought if the care which had been taken in a late proposition to provide for the representation of minorities had been applied to the professorial system, which was a minority in the University of Oxford, that proposition would have claimed great consideration at their hands; his right hon. Friend had said that all improvements should be in favour of the professorial system. He agreed with that sentiment, and hoped that the House would give free scope and fair play to the professorial system, and not put the professors, as they would do if the present clause were passed, entirely into the hands of the tutors. The real question for their consideration was the dominancy of the tutors, which he looked upon with great alarm, and, as the matter stood, he should vote for the Amendment.

Sir WILLIAM HEATHCOTE said, the great point to be obtained in the constitution of a governing body was to secure its having the confidence of the University, and for that purpose it was hardly necessary to go into the question which had been raised with reference to the comparative merits of the Convocation and the Congregation. Generally, he thought the residents, if fairly polled, would represent the impression of the whole body of Oxford University, and, although there might be cases in which that might be reversed, as was the case in almost every kind of legislation, yet, in the general question of election, it would seldom make any difference whether it was by the Congregation or Convocation; but, as between Congregation and Convocation on one side and sectional constituencies on the other, it appeared clearly that to give effect to the University of Oxford, they should allow either Congregation or Convocation to elect, and not break it up into sectional elections. What they wanted was to have twenty-four men representing the mind of the University, and for collateral reasons they desired that those twenty-four men should possess certain definite qualifications; that some should be familiar with the views of the heads of houses, that others should be familiar with the views that animate professors, and that others should be conversant with the sentiments diffused over the University at large. They did not wish to bring these men into conflict with each other and make them the representatives of different classes, but rather to bring the knowledge that belonged to men of different habits into one harmonious assembly; and they would do that best and perhaps do it only, if they elected them by a common constituency. There was another thing to be observed, and that was, they had laid it down in the Bill that the number seven should not be accurately fixed, for, if the heads of houses or the professors had the confidence and were acceptable to the Convocation, there might be eight or nine representing heads of houses or professors, and a smaller number of those who might be more peculiarly termed members for the Congregation, which he looked upon as a very great advantage, but if they elected them by separate bodies, they would then have the numbers defined and exact, and it seemed more likely that they would come into conflict. The only reason for hesitation was, as it had been stated, because some of the heads of houses at Oxford would prefer the other plan, and he thought a great deal of deference was due to their wishes. He thought it was far better for the just influence which the heads of houses exerted that the clause should be left as it was than that it should be altered, for he believed that what had been said frequently on his side of the House, and objected to very unreasonably, he considered, on the other, was perfectly true—namely, that, generally speaking, heads of houses, at ordinary times, conversant with the affairs of the University, would be found to be best for its government. Such a principle was recognised by Congregation itself, and it would be greatly to the advantage of their just influence that there should be liberty of choice, so as to enable them to elect more than seven heads of houses to conduct the business of the University. In like manner with the professors, they should be eminent men, with more leisure than tutors, for it was a burden that tutors had frequently complained of, that in all the agitation about Oxford University they had been obliged to give so much time to the discussion of its arrangements, and they would be likely to acquiesce in the number of professorial representatives being more than seven if they were allowed free scope; but if they insisted upon the representatives being returned by each section separately, there would be always seven men on each side, which would give rise to all the objections to which he had alluded. Considering, therefore, that what they wanted was men having the full confidence of the University, he should certainly support the clause as it stood.

Mr. WIGRAM said, he did not feel the force of the objection urged by the Chancellor of the Exchequer against sectional elections as applied to heads of houses, for there appeared to him to be strong reasons why they should be so elected. They stood in a position of considerable independence, and it was very undesirable that they should be exposed to the necessity of soliciting in any way the support of either party; therefore, in his opinion, it was more proper that they should choose among themselves a certain number of delegates to represent them than that they should be returned as representatives of the whole body. Another consideration was, that elections among small numbers would be conducted in a much quieter manner than among large bodies, and in support of such a proposition, considerable weight was due to the recommendation of the Tutors' Association, which had embodied its views in a most able paper. That association recommended that the council should consist of three different sections; that the representatives of the heads should be elected by the heads, those of the professors by the professors, and the third division by the tutors and other residents. That was one of the reasons which weighed very much in his mind in favour of allowing the heads of houses to return their own delegates as members of the council. With regard to the election of the other representatives he gave no opinion at present.

Mr. HEYWOOD said, if each of the sections were allowed to elect their own representatives, he was afraid the clerical feeling would predominate too much, and it was necessary to obtain a representation, not only of the members of the University at Oxford, but of the general feeling throughout the country. He would instance the case of the refusal of the degree of D.C.L. to Mr. Everett by the Convocation, on the ground of his being a Unitarian, as illustrating the danger of allowing such a body to possess uncontrolled power.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided* :—Ayes 149; Noes 162; Majority 13.

List of the Ayes.

Adderley, C. B.
Baines, rt. hon. M. T.
Bass, M. T.
Beamish, F. B.
Biddulph, R. M.
Biggs, W.
Bland, L. H.
Bowyer, G.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Brockman, E. D.
Brotherton, J.
Bruce, H. A.
Buckley, Gen.
Bulkeley, Sir R. B. W.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Christy, S.
Cockburn, Sir A. J. E.
Cocks, T. S.
Collier, R. P.
Coote, Sir C. H.
Cowper, hon. W. F.
Divett, E.
Duff, G. S.
Duff, J.
Duncan, G.
East, Sir J. B.
Egerton, Sir P.
Ellice, rt. hon. E.
Esmonde, J.
Ewart, W.
Fergus, J.
Ferguson, Sir R.
Filmer, Sir E.
FitzGerald, Sir J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Freestun, Col.
Geach, C.
Gladstone, rt. hon. W.
Gladstone, Capt.
Goderich, Visct.
Goodman, Sir G.
Goulburn, rt. hon. H.
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Lord R.
Hale, R. B.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, Col.
Hastie, A.
Headlam, T. E.
Heard, J. I.
Heathcote, Sir W.
Heneage, G. F.
Hervey, Lord A.
Heyworth, L.
Hindley, C.
Howard, hon. C. W. G.
Hutchins, E. J.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keating, H. S.
Keogh, W.
King, hon. P. J. L.
Kirk, W.
Langston, J. H.
Lee, W.
Lewis, rt. hon. Sir T. F.
Loveden, P.
Lowe, R.
MacGregor, J.
M'Taggart, Sir J.
Maddock, Sir H.
Mangles, R. D.
Marshall, W.
Matheson, Sir J.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Norreys, Lord
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, F.
Philipps, J. H.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portal, M.
Portman, hon. W. H. B.
Pritchard, J.
Ricardo, O.
Rice, E. R.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, Jas.
Sawle, C. B. G.
Scully, F.
Seymer, H. K.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, W. M.
Sotheron, T. H. S.
Stafford, Marq. of
Strutt, rt. hon. E.
Stuart, Lord D.
Sutton, J. H. M.
Tancred, H. W.
Thicknesse, R. A.
Thornely, T.
Vernon, G. E. H.
Vivian, J. H.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Winnington, Sir T. E.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, C. L. G.

List of the Noes.

Acland, Sir T. D.
Alexander, J.
Bagge, W.
Bailey, C.
Baird, J.
Baldock, E. H.
Ball, E.
Ball, J.
Bankes, rt. hon. G.
Barnes, T.
Barrington, Visct.
Beach, Sir M. H. H.
Bell, J.
Bentinck, Lord H.
Bentinck, G. W. P.
Blair, Col.
Blake, M. J.
Blandford, Marq. of
Boldero, Col.
Bonham-Carter, J.
Booker, T. W.
Brady, J.
Brocklehurst, J.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Butt, G. M.
Butt, I.
Carnac, Sir J. R.
Cecil, Lord R.
Chandos, Marq. of
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Clay, Sir W.
Clinton, Lord C. P.
Cobden, R.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Cotton, hon. W. H. S.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Davies, D. A. S.
Denison, J. E.
Disraeli, rt. hon. B.
Dod, J. W.
Duncombe, hon. O.
Dunlop, A. M.
Dunne, Col.
Egerton, E. C.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Ferguson, J.
Floyer, J.
Forester, rt. hon. Col.
Forster, Sir G.
Frewen, C. H.
Galway, Visct.
Gardner, R.
Gaskell, J. M.
George, J.
Gilpin, Col.
Goddard, A. L.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Greene, J.

Grogan, E.
Gwyn, H.
Hadfield, G.
Hamilton, Lord C.
Hamilton, G. A.
Henley, rt. hon. J. W.
Herbert, Sir T.
Heywood, J.
Hildyard, R. C.
Horsman, E.
Hotham, Lord
Hudson, G.
Hume, W. F.
Jones, Capt.
Kendall, N.
Kershaw, J.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Lacon, Sir E.
Langton, H. G.
Langton, W. G.
Laslett, W.
Liddell, H. G.
Liddell, hon. H. T.
Lindsay, hon. Col.
Lindsay, W. S.
Lisburne, Earl of
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Macartney, G.
Massey, W. N.
Maunsell, T. P.
Meux, Sir H.
Miall, E.
Miles, W.
Michell, W.
Mowbray, J. R.
Mullings, J. R.
Murrough, J. P.
Naas, Lord
Neeld, J.
North, Col.
Oakes, J. H. P.
O'Brien, P.
Otway, A. J.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R.
Parker, R. T.
Pechell, Sir G. B.
Pellatt, A.
Pennant, hon. Col.
Percy, hon. J. W.
Phillimore, J. G.
Price, W. P.
Ramsden, Sir J. W.
Repton, G. W. J.
Robertson, P. F.
Sandars, G.
Scobell, Capt.
Seymour, W. D.
Shirley, E. P.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Starkie, Le G. N.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warner, E.
West, F. R.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, W.
Willoughby, Sir H.
Wise, A.
Wyndham, W.
Wynn, Major H. W. W.
Wynne, W. W. E.

TELLERS.

Newdegate, C. N.
Jolliffe, Sir W.

MR. WALPOLE said, he was not aware whether the Government intended to oppose the other Amendment of which he had given notice—namely, whether one head of a college or hall should be appointed by the Chancellor of the University. The objection he felt, was, that this would put the Chancellor of the University in an invidious position, in having to select one head of a house as preferable to another. He therefore proposed to omit the words, "one other head appointed by the Chancellor of the University."

THE CHANCELLOR OF THE EXCHEQUER said, the Government would not object to leave out the words, after the decision which the Committee had just come to.

Words *struck out.*

MR. WALPOLE said, he would now move to leave out the following words, enacting that the professors should be "elected by the Congregation hereinafter described, and one other such professor appointed by the Chancellor, and one other such professor separately elected by the Congregation," and to insert the words, "to be selected from among themselves by such professors, one of whom," &c. This Amendment asserted the same principle as that which the Committee had just agreed to—namely, that the professors as well as the heads of houses should be elected from among themselves. He was not aware of any material distinction between the two cases.

THE CHANCELLOR OF THE EXCHEQUER quite agreed that this alteration was included in the decision to which the Committee had just come. There would, therefore, be no difficulty on the part of the Government in acceding to it. They now came to the following words in the 6th clause:—"One of whom shall always be chosen from among the professors of theology." This proposition was on account of the weight and importance that attached to theology, and of the large and increasing amount of theological instruction given by the professors.

MR. ROUNDELL PALMER said, that if they were to have this separate professor of theology, it should, he considered, also carry with it the principle that he should be elected by the professors of divinity, for it would be a great anomaly were he to be elected by the other professors. Unless this were admitted, he should greatly doubt the expediency of this proposition.

MR. HEYWOOD said, he objected to the words as to the professors of theology, as it was desirable that the University should be made less an ecclesiastical, and more of a national institution. He should therefore move, as an Amendment, that the professor should be one of modern languages instead of theology.

THE CHANCELLOR OF THE EXCHEQUER said, that he was bound to admit that there was great force in what had been said by the hon. and learned Member for Plymouth (Mr. Roundell Palmer), and he did not think that the election of a professor of divinity by the other professors would stand at all congruously or well. He thought, therefore, the proper course would be to drop the words as to the professors of theology.

MR. HORSMAN said, he objected to this omission, as it would tend greatly to weaken the professorial influence at the

Hebdomadal Board. As to how the professor of theology was to be elected was a separate question, but he should decidedly divide the Committee on the question that the words relating to the professor of theology should be retained.

Mr. DISRAELI said, he did not think the six professors of theology would form an improper constituency, and he should, therefore, oppose the omission of these words.

Amendment made:—Amendment proposed, in line 38, to the said Amendment, after the word "Professors," to add the words "of Theology."

The CHANCELLOR of the EXCHEQUER said, the Government were not now the framers of the clause. He should like to know what was the meaning of the term "selection," as used in the clause?

Mr. WALPOLE said, it was simply meant that the heads of houses should select from among themselves those whom they might choose to represent them.

Mr. ROUNDELL PALMER said, he wished to know if in this arrangement the professorships of ecclesiastical history and Hebrew would come under the head of theology?

Mr. DISRAELI, speaking for himself, said, he had certainly felt that the word "theology" was ambiguous and rather doubtful; but, as they found it in the Bill, he thought it had better be retained.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 135; Noes 148: Majority 13.

List of the Ayes.

Acland, Sir T. D.
Alexander, J.
Bagge, W.
Bailey, C.
Baird, J.
Baldock, E. H.
Ball, E.
Bankes, rt. hon. G.
Barrington, Visct.
Beach, Sir M. H. H.
Bentinck, Lord H.
Bentinck, G. W. P.
Blair, Col.
Boldero, Col.
Booker, T. W.
Bramston, T. W.
Bruce, C. L. C.
Buller, Sir J. Y.
Butt, G. M.
Butt, I.
Carnac, Sir J. R.
Cecil, Lord R.
Chandos, Marq. of
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Christy, S.
Clinton, Lord C. P.
Cocks, T. S.
Coles, H. B.
Cotton, hon. W. H. S.
Davies, D. A. S.
Deeds, W.
Disraeli, rt. hon. B.
Dod, J. W.
Duncombe, hon. O.
Dunne, Col.
East, Sir J. B.
Egerton, Sir P.
Egerton, E. C.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Floyer, J.
Forester, rt. hon. Col.
Forster, Sir G.
Frewen, C. H.
George, J.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Goulburn, rt. hon. H.
Graham, Lord M. W.
Greene, T.
Grogan, E.
Gwyn, H.
Hamilton, Lord C.
Hamilton, G. A.
Harcourt, Col.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Hudson, G.
Hume, W. F.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
Knatchbull, W. F.
Knox, Col.
Lacon, Sir E.
Langton, W. G.
Laslett, W.
Liddell, H. G.
Lindsay, hon. Col.
Lisburne, Earl of
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Macartney, G.
Meux, Sir H.
Miles, W.
Michell, W.
Mowbray, J. R.
Mullings, J. R.
Naas, Lord
Neeld, J.
Newdegate, C. N.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Rob.
Palmer, R.
Parker, R. T.
Patten, J. W.
Percy, hon. J. W.
Philipps, J. H.
Phillimore, R. J.
Portal, M.
Pritchard, J.
Repton, G. W. J.
Robertson, P. F.
Sandars, G.
Seymer, H. K.
Shirley, E. P.
Smijth, Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Starkie, Le G. N.
Stuart, H.
Taylor, Col.
Thesiger, Sir F.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Vernon, G. E. H.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Whiteside, J.
Whitmore, H.
Willoughby, Sir H.
Wyndham, W.
Wynn, Major H. W. W.
Wynne, W. W. E.

TELLERS.

Galway, Visct.
Wigram, L. T.

List of the Noes.

Baines, rt. hon. M. T.
Ball, J.
Barnes, T.
Bass, M. T.
Beamish, F. B.
Bell, J.
Biddulph, R. M.
Biggs, W.
Blake, M. J.
Bland, L. H.
Bonham-Carter, J.
Bowyer, G.
Boyle, hon. Col.
Brand, H. H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Bruce, H. A.
Buckley, Gen.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cheetham, J.
Cockburn, Sir A. J. E.
Collier, R. P.
Colvile, C. R.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Divett, E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duncan, G.
Dunlop, A. M.
Ellice, rt. hon. E.
Esmonde, J.
Ewart, W.
Ferguson, Sir R.
FitzGerald, Sir J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Freestun, Col.
Gardner, R.
Gaskell, J. M.
Geach, C.
Gladstone, rt. hon. W.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Greene, J.
Gregson, S.

Mr. Horsman

Grenfell, C. W.
Grey, R. W.
Hadfield, G.
Hankey, T.
Hanmer, Sir J.
Hastie, A.
Heard, J. I.
Heneage, G. F.
Herbert, rt. hon. S.
Hervey, Lord L.
Heywood, J.
Hindley, C.
Horsman, E.
Howard, hon. C. W. G.
Hutchins, E. J.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keating, H. S.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Langton, H. G.
Lee, W.
Lindsay, W. S.
Loveden, P.
Lowe, R.
Luce, T.
Mangles, R. D.
Marshall, W.
Massey, W. N.
Matheson, Sir J.
Miall, E.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncrieff, J.
Monsell, W.
Morris, D.
Murrough, J. P.
Norreys, Lord
Osborne, R.
Otway, A. J.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Pennant, hon. Col.
Phillimore, J. G.
Phinn, T.
Pigott, F.
Pilkington, J.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Price, W. P.
Ramsden, Sir J. W.
Ricardo, O.
Rice, E. R.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, Jas.
Sawle C. B. G.
Scobell, Capt.
Scully, F.
Seymour, W. D.
Stafford, Marq. of
Strutt, rt. hon. E.
Stuart, Lord D.
Sutton, J. H. M.
Tancred, H. W.
Thicknesse, R. A.
Thornely, T.
Vivian, H. H.
Walmsley, Sir J.
Warner, E.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, W.
Winnington, Sir T. E.
Wise, A.
Wortley, rt. hon. J. S.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, G.

LORD JOHN RUSSELL said, they had now so framed the clause as that six professors were to be selected from among the professors, and then one other professor was to be elected by the professors. He would not propose to go further that night with the Bill, and therefore moved that the Chairman report progress.

House resumed; Committee report progress to sit again on *Thursday*.

PUBLIC PROSECUTORS BILL.

MR. J. G. PHILLIMORE said, it was his intention to postpone the second reading of this Bill, the hon. and learned Attorney General having assured him that it was the intention of Her Majesty's Government to carry a measure this Session which would embody in a great degree the improvements he (Mr. Phillimore) thought necessary to be made in the law, and which he understood would go even still further with them.

THE ATTORNEY GENERAL said, he was extremely sorry his hon. and learned Friend (Mr. Phillimore) had misunderstood him. He (the Attorney General) had informed his hon. and learned Friend that he was most sedulously occupied in framing a measure which he hoped to present to the House and to be able to carry; but as to pledging himself to carry a measure of that kind was what he had never done, simply because it would have been folly to have done so. It was one of the most difficult subjects that the House could possibly deal with. If they had at the present moment to deal *à priori* with such a subject, and to frame a new criminal digest, they might hope to do so successfully; but to engraft the notion of a public prosecutor upon our existing system of criminal judicature was one of the most difficult things the House could possibly attempt to do. He could only say he would give his best and most anxious consideration to the subject, and he should be most happy to avail himself of any assistance his hon. and learned Friend might be able to render him. He had put himself in communication with those who were best able to advise him on such a question, and he would do his best to carry the measure he had in contemplation; but he had never presumed to pledge himself to carry it.

MR. J. G. PHILLIMORE said, he must disclaim any intention to misrepresent what had passed between his hon. and learned Friend the Attorney General and himself, and admitted he must have misunderstood his hon. and learned Friend.

Bill *withdrawn.*

WITNESSES BILL.

Order for Second Reading read.

THE ATTORNEY GENERAL said, by this Bill it was intended to give power to the Superior Courts of England, Ireland, and Scotland, to issue subpœnas to persons residing out of their jurisdiction, calling on them to come forward and give evidence. That was a very startling innovation on the existing system. It was certainly very desirable—the whole of the United Kingdom being one—that the Courts of England, Ireland, and Scotland, should have the power of examining persons residing out of their jurisdiction, but within the Realm; but this Bill gave no power to those Courts for following up the subpœnas, in case it was disregarded, and that was the objectionable part of it. If the promoters of the Bill intended to carry out its object, they must in some way obtain the intervention and assistance of some Court within whose jurisdiction the witness subpœnaed resided, to compel his attendance. He would not, however, object to the Second Reading.

Mr. I. BUTT said, he agreed that it would be necessary to insert a clause giving jurisdiction to a Court in England, and he had not the slightest objection to the insertion of such a clause in committee. Since the year 1805 the Courts in Ireland had had the power of summoning witnesses in criminal cases, as also had the Courts in England and Scotland. The Irish Court certified the fact of disobedience to the Courts in England and Scotland, and proceedings were then taken exactly as if the disobedience had been towards the English or Scotch Courts. When his hon. and learned Friend declared that the Bill would be nugatory in its operation, he forgot the important fact that it would make the service out of the jurisdiction valid, and give power to parties injured by disobedience to bring an action.

The LORD-ADVOCATE said, he must support the view taken by his hon. and learned Friend the Attorney General, there were also other anomalies in the Bill.

Mr. WHITESIDE said, he would suggest that care should be taken to keep the exercise of this new power within proper limits, otherwise many persons might be summoned from England, Scotland, or Ireland, to give evidence who were not in a state of health or mind to comply with the summons, or whose evidence might not be absolutely necessary. He thought some discretion should be given to the Judge granting the summons to consider whether it was necessary to issue it.

Bill read 2°.

MILITIA BILL.

Viscount PALMERSTON said, he would now move for leave to bring in a Bill to amend the militia law, but in one respect only. By the Act of 42 *Geo.* III., the Crown had the power of embodying the militia only in cases of actual invasion or danger thereof, or in case of insurrection or rebellion. Considering how large a portion of the regular army had been sent abroad, and the time that must elapse before an equal number of recruits could be raised, it was of great importance that Government should be able to avail themselves, for a time at least, of establishing a portion of the militia for the purpose of home service. He was happy to say that the country, although at war with Russia, was in no danger of invasion. As the law now stood it was impossible for the Crown to avail itself of the continued service of the militia. The object, therefore, of the Bill was to empower the Crown to embody it, that was, to call out for a continued period, the whole or any part of the militia, whenever the country is in a state of war. He also proposed, in case any regiment should be called out for training, for a period short of the period of fifty-six days, to take power, if occasion should require it, to continue the training up to the period of fifty-six days, without going through the process of giving fresh notices in the manner in which it is necessary to give them at the first assembling.

Sir JOHN BULLER said, he did not object to the nature of the Amendments suggested by the noble Lord, and he felt assured that every man in the militia would be ready to come forward, and to willingly perform the duties that were imposed upon him. He hoped that the noble Lord would also consider whether some effective arrangements could not be carried out with reference to the wives and children of the men serving in the militia, many of whom were necessarily left by their husbands and fathers in a state of perfect destitution, and could look for no other parish relief than a workhouse order. The consequence of this was, that a militiaman, after serving his country, might find upon his return home that his family had been dispersed and made destitute, and his little furniture seized and sold. He hoped, also, that proper attention would be given to the stores for the services of the militia, and that generally the clauses of the Bill would be carefully considered.

Colonel KNOX said, that the importance of securing a state of efficiency for our militia could scarcely be overrated, inasmuch as it would, no doubt, form a most important nucleus from which to fill up vacancies in our Army. He hoped that the Government would take every means of encouraging the system of volunteering, which he was sorry to see had been discountenanced by one of the colonels of a regiment of militia.

Mr. GROGAN said, that a good deal of excitement existed in Ireland on the subject of calling out the militia, and he trusted the Government would now state their intention on that point.

VISCOUNT PALMERSTON said, he was now preparing a Bill to consolidate the existing militia laws, and in that Bill certain amendments would be introduced. He had purposely confined the present Bill to the points he had just mentioned, because it was desirable to pass it as soon as possible. With regard to volunteering into the line, different colonels took different views, but in some cases great encouragement had been given by the colonels, in proof of which he might refer to the efforts of Lord Fitzhardinge. With respect to the Irish militia, it was not the intention of the Government during the present year to organise or enrol the Irish militia. It was not desirable to incur any large expense if the public service did not require it. What might be done in another year was a matter for future consideration.

COLONEL DUNNE said, he regretted that it was not the intention of the Government to call out the Irish militia. A large force had been withdrawn from Ireland, and the noble Lord could hardly expect men to enlist in the regular service if such distrust was shown of them by the Government.

SIR JOHN YOUNG said, there was a very large constabulary force in Ireland, and considering that the Government had increased their pay to the extent of 45,000*l.* a year, he did not think there existed any ground of complaint on the part of that country.

SIR JOHN BULLER inquired if the noble Lord intended to introduce the Bill for the consolidation of the militia law during the present year?

VISCOUNT PALMERSTON: Yes, as soon as possible.

Leave given; Bill *ordered* to be brought in by Viscount Palmerston and Mr. Secretary at War.

Bill read 1°.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 2, 1854.

MINUTES.] *Reported.*—Ministers' Money (Ireland).

PUBLIC BILL.—3ª Income Tax.

BANKRUPTCY AND INSOLVENCY (SCOTLAND) BILL—PETITION.

THE LORD CHANCELLOR having *presented* a petition from the Convention of the Royal Burghs of Scotland, against the Bankruptcy and Insolvency (Scotland) Bill, and stating that a large portion of the mercantile community of that country viewed the measure with disapprobation and alarm,

LORD BROUGHAM said, he believed that it would very much astonish the mercantile men of Scotland to hear that the Convention of the Royal Burghs—a very respectable body in its own sphere, without doubt—was in any sense of the word to be taken as representing the mercantile community of that country. These petitioners stated that in Scotland the bankruptcy laws had always proceeded on the principle of allowing the creditors, as alone interested in the matter, to have the whole management and conduct of each bankruptcy. So it was in England, also, till the Act was passed to which he (Lord Brougham) had the good fortune to obtain the assent of their Lordships in 1831. Up to that time the whole management of bankruptcies was in the hands of the creditors, subject, however (and the exception was most material), to the control of the Court; but for which control no lawyer, and, he ventured to say, no trader, in the country, could entertain the slightest doubt that the greatest abuses possible must have occurred, to the injury of the creditor much more than of the bankrupt. By the old system the creditors had the choice of the trade assignee under the Commission, and through the assignee they had the entire control of the funds, and, to a certain degree, the control also of the procedure before the Judge. He would state, for the information of the Convention of Royal Burghs, and not of the merchants of Scotland, because the latter were fully aware of it already, what was the state of things when the bankrupt's affairs were under the management of the creditors, and notwithstanding the wholesome check from the Court. Why, no sooner was the system of appointing an official assignee to co-operate with the trade assignee put in force, than a sum of between 2,000,000*l.* and upwards was, within a very short space of time, collected and distributed among the creditors, which money had lain, from the supineness of the trade assignees—that was to say, from the supineness of the creditors themselves in the management of their own affairs—in the hands of different bankers to the benefit of the bankers, but to the loss of the creditors. A member of a great London banking firm had stated in his place in Parliament that his house alone would lose a profit of between 6,000*l.* and 7,000*l.* a year by the Bill of 1831 then under discussion in that House, because the funds of bankrupts, which, by the negligence of the assignees, used to be allowed to lie in the hands of the banker, fructifying to his advantage, would, under the improved system, be speedily distributed among those who were entitled to them. In fact, in consequence of the new procedure, many bankruptcies were altogether superseded, it being found that 20*s.* in the pound could be obtained out of the effects for the creditors. When the facts of the case came to be thoroughly known by those who had petitioned that day and yesterday, as they were known by the various mercantile bodies whose petitions he (Lord Brougham) had presented last Session, and this Session also, he hoped that they would open their minds to a more favourable reception of the measure; the object of which had, he must say, been loosely and inaccurately stated by his noble and learned Friend on the woolsack, yesterday, to be to abolish at once the bankruptcy law now existing in Scotland, and to substitute for it the law of England, whereas it preserved the Scotch law, and only introduced those improvements in procedure which had been found so beneficial in England.

Petition Ordered to lie on the table.

INCOME TAX BILL.

Order of the day for the Third Reading read.

Earl GRANVILLE *moved*, That the Bill be now read 3ª.

The Marquess of CLANRICARDE said, that he was not about to enter at that stage of the Bill into a consideration of the whole of the points involved in the measure; but there were one or two matters connected with it, in regard to which he had heard no satisfactory statement in the course of the debate last night, and upon which he thought their Lordships were entitled to have some further information—he meant particularly the effect upon the financial policy and the government of the country which the financial arrangements of the Ministry and the present Bill were calculated to produce. Her Majesty's Government appeared to make up their minds upon their financial policy, not from year to year, nor even from month to month, but almost from week to week; and he thought their Lordships ought to have some notification as to what would be the last of their financial proposals for the present Session. Last year it became necessary to consider the system on which the permanent taxation of the country should be conducted; and the whole question of direct and indirect taxation was revived and discussed at great length. The evils and inequalities of the income tax were then reiterated, and were admitted by the Chancellor of the Exchequer himself in the very able speech in which he demonstrated the difficulty of changing the incidence of that tax without creating greater anomalies and inequalities than those they wished to correct. After deliberate consideration, Parliament was induced to continue the system of direct taxation, and to repeal a large amount of indirect taxation, on the understanding that the scheme of the Government would lead to the gradual diminution and ultimate extinction within a certain fixed period of the income tax. If, however, on the commencement of a war, we were to be called upon at once to double the income tax, and to renew the doubled tax from half-year to half-year, according to the necessities of the country, what would be the result? He was quite free to admit that the Bill now before their Lordships would not affect the general question; because when the half-year was over, we should fall back again, in the natural course of things, upon the income tax of last year. But, if upon the first note of war, before any formal declaration of war was made, Parliament was at once called upon to double this income tax, then he should say we were apparently relying for the main strength of our financial resources upon direct taxation, and the whole scheme for the gradual reduction and proximate repeal of the income tax must fall to the ground. At the very same time at which the present Bill was brought forward, a strong opinion was expressed by the Chancellor of the Exchequer against the system of loans to meet the expenditure of the war; yet, while the measure was in the course of its progress through Parliament, a loan was proposed by the right hon. Gentleman, and tenders were being sent in for it to the Bank at this moment. This loan was to be repaid in three instalments, falling due in 1858, 1859, and 1860, respectively. Now, see how this arrangement must affect the scheme for gradually reducing the income tax, the tax would reach its minimum in the year 1857. Therefore, whilst it appeared that the Government was unable to foresee, for more than from week to week, the exigencies it had to meet, it was imposing on the country prospectively in the years 1858, 1859, and 1860, additional burdens for the repayment of this loan; having previously provided that their revenue from the income tax should fall to its lowest point just when the instalments of the loan would become due. Without some explanation, this seemed to him to be hardly keeping good faith with the public creditor, because either the income tax was to be at once permanently doubled, and the whole scheme for its cessation to fall to the ground, or else the Government were pressing upon the years he had mentioned in a manner quite unprecedented—selecting the very years in which they had determined to have a minimum of direct taxation to meet these increased burdens, and diminished resources with which to keep faith with the public creditor. He thought, under these circumstances, that their Lordships ought to receive some explanation from Her Majesty's Government as to whether they intended to have recourse again to loans, or whether the direct taxation of the country was to be relied upon for defraying the war expenditure; or whether the scheme of last year was no longer to be adhered to, and the whole question of direct and indirect taxation was to be left entirely open as before. If they were to have another addition to the income tax this Session, and their sittings were to close at any early day, Parliament ought to be apprised of the proposal without delay. Undoubtedly, when the present Bill was introduced, it was intimated that a further addition to the tax might be necessary; because the Chancellor of the Exchequer said, when the Government should want more money, they would come to Parliament, and ask for it; indeed, to suppose that they were to go to war with an empire like Russia, with no other provision for the contest but an extra half-year's income tax, was perfectly ridiculous and puerile. But it was held out by the Government that though further supplies might be necessary, certainly recourse should not be had to a loan. This was stated on the 15th of March, and was re-stated on the 11th of April; but on the 21st of last month tenders for raising a loan were advertised for by the Chancellor of the Exchequer. He, therefore, thought the Government ought distinctly to declare their intentions; and if they meant to proceed upon something like a system in paying the expenses of the war, their Lordships were entitled to be informed of it. In the last European war the income tax was continued until the restoration of peace; and if that course was again to be pursued, let it be distinctly stated, so that the country might not be deluded with false hopes of the termination of this tax at the date fixed by the Budget of last year. His opinion was, that the outbreak of the present war might have been foreseen, if not as certain to occur, at least as most probable, long before the Government decided upon their financial propositions; but he was convinced that the Chancellor of the Exchequer was then determined, and he thought that the First Lord of the Treasury was also determined, that there should be no war with Russia. At the same time, he thought it injurious to the public credit of the country that an attempt should have been made by the Government, even when such an event as war was possible, to perform so difficult, delicate, and dangerous an operation, as to undertake to pay off a large portion of the public debt in order to reduce the rate of interest. Every circumstance which had since occurred had been foretold in Parliament, and the scheme of conversion had proved abortive. He would not trespass further on the attention of their Lordships, but he believed he had said enough to show that an explanation of their policy was demanded from the Government in the present aspect of affairs.

EARL GRANVILLE said, with regard to what had fallen from the noble Marquess, he had stated last night his opinion that the finances of the country, as well as every other subject of public interest, should be fully debated in that House, and that he thought the noble Lords who took part in the discussion rendered the public a service in going into the matter. There was a portion of the observations which fell from noble Lords on the previous evening as to which he had observed then, and repeated now, that he could not be forced into premature discussion, namely, with regard to the future financial measures of the Government, in reference to the conduct of the war. It was clear that neither he nor any other member of the

Government in that House could consistently enter at present into that subject, when it had been announced that the Chancellor of the Exchequer would, in the other House, at the beginning of next week, make a financial statement, in which full explanations of the Government's intentions would be given to the public, and after that had been done it would be the proper time for their Lordships' House to discuss any parts of the Government's proposals which they might think open to criticism. As to the alleged prospect of going to war at the time when the Chancellor of the Exchequer introduced his first Budget, he (Earl Granville) thought Her Majesty's Government were not to be blamed because the Emperor of Russia departed from the promises he had made in the secret correspondence. It was impossible for the Government to have foreseen the position in which the Emperor had since placed himself, and looking at the position he occupied eighteen months ago, it was not unreasonable to have supposed that he would have consulted his own interests, and made the just concessions that were demanded of him. For these reasons he (Earl Granville) thought the Government were justified at the time in hoping that peace would have been maintained, although those hopes had unfortunately been disappointed; and he said that to assert that a Chancellor of the Exchequer was to refrain from effecting any change in the finances of the country, under favourable circumstances for such an operation, was to lay down a very unsound and also very dangerous doctrine. And he repeated that one great justification for the scheme of conversion of stock was, that the whole force of the objections which were stated to it when it was proposed, went to show not that the offers of the Chancellor of the Exchequer were likely to be rejected, but that he was holding out extravagantly favourable terms to the public creditor.

THE EARL OF MALMESBURY said, that in reference to the speech of the noble Earl, and his allusion to the extraordinary confidence that had been entertained by Her Majesty's Government in the maintenance of peace with Russia, he must again remind the House of the dates to which he alluded yesterday. The Budget was presented to the House of Commons on the 18th of April. On the 15th of that month Colonel Rose, our *Chargé d'Affaires* at Constantinople, informed the Secretary for Foreign Affairs that all the information he could collect indicated that the Emperor of Russia was intent upon hostile acts. He (the Earl of Malmesbury) had been told by the noble Duke (the Duke of Argyll) that on the same day that this despatch was received, by a strange coincidence Baron Brunnow had called at the Foreign Office, and made the most solemn declaration that all the reports which Lord Clarendon had heard were false. That such was the case did not appear from the blue book; but at all events this was no excuse at all for Her Majesty's Government. They ought not to have placed confidence in the Russian Minister rather than in our own diplomatic agent in Constantinople. Colonel Rose told Lord Clarendon distinctly that Prince Menchikoff had been guilty of a gross act of treachery, and had proposed a secret treaty to the Porte so detrimental to this country that he threatened that if it was disclosed to this country he would leave Constantinople; and yet, in the face of this alarming information, Her Majesty's Government preferred believing the Russian Minister, in direct contradiction to the statements and warning of their own diplomatic agent, Colonel Rose, sent subsequently to the warnings of Sir Hamilton Seymour. If our own diplomatic agents were not to be believed, there was little use of maintaining them abroad. Their particular duty was to discover what foreign agents were about, and whether foreign courts were deceiving this country or not; and if it was not upon them, he (the Earl of Malmesbury) did not know upon whom it was that the Minister of England must rely for his information upon foreign politics. Any justification of the Chancellor of the Exchequer, therefore, that might be attempted, on the ground that the Government placed confidence in the statements of the Russian Minister, in preference to those of our own diplomatic agents, was futile.

THE DUKE OF ARGYLL said, he must remind their Lordships that this discussion was entirely irrelevant to the question at issue. The noble Earl must be aware that the Budget of April, 1853, was drawn up under circumstances that could not have any reference to the complications in the East. The noble Earl must be aware that the whole structure of a Budget must depend upon the financial position of the country at the time, and the Chancellor of the Exchequer had to meet the difficulties in which he was placed by what he considered, and what he (the Duke of Argyll) considered, the most dangerous proposal of the late Government, to reconstruct the income tax. The whole key of the Budget was with reference to that proposal. The conversion of stock was proposed long before war could have been anticipated, and the Chancellor of the Exchequer had admitted that it failed, from circumstances which he could not foresee. That scheme was introduced on the 8th of April, and the Budget was brought forward on the 18th of April. Such a scheme could not have been decided upon in a moment, but its details, which were necessarily of a complicated nature, had to be matured before being submitted to the House of Commons. The Budget was eminently successful; it left the country with a surplus of 3,500,000*l.*, and he did not know how any Budget could be more satisfactory with regard to the means for carrying on the war. The conversion of stock was an entirely different question. If war had been foreseen, no doubt it would not have been proposed. It was avowedly an experiment, and even without the war it might possibly have failed. He was not at all sure, however, that even if the war could have been foreseen, it would have altered the Budget. He utterly repudiated the insinuation of the noble Marquess (the Marquess of Clanricarde), on the part both of his right hon. Friend (the Chancellor of the Exchequer) or any other Member of Her Majesty's Government. It was perfectly true that the Government were determined that, as far as they were concerned, there should be no war if, consistently with the honour and the interests of England, it could have been prevented. But it was not true that any one Member of Her Majesty's Government wished war to be avoided by any measure that would sacrifice that honour or those interests.

THE MARQUESS OF SALISBURY said, that with the knowledge he must have had of what was contained in the blue books, the Chancellor of the Exchequer must, unless he were the blindest man in England, have been aware at the time he introduced his Budget that war was impending. Though it was the duty of the Government to avoid war as long as possible, yet it was also the duty of the Chancellor of the Exchequer not to hazard financial operations without regard to its imminency.

THE DUKE OF ARGYLL said, that so far from the Secret Correspondence leading the Government to expect war, if the Emperor of Russia had adhered to the principles of that correspondence there would never have been a war. The particular dispute concerning which that correspondence took place was actually settled by negotiations.

LORD BROUGHAM hoped that the observations he was about to make would not be objected to by any noble Lord, as irrelevant to the matter. My revered friend the late Mr. Wilberforce, when he supported me in the House of Commons, when we successfully objected to the continuance of the income tax after the peace, said, and justly and wisely said, that it was well to keep that tax wedded to war. The principal objection he (Lord Brougham) had taken to the renewal of the tax ten years ago, and again four years ago, was that it was not required by necessities entailed upon us by war. But now, unhappily, that "pernicious spouse," to use the words of the Greek poet, of that pernicious tax, had been inflicted upon us. Let us hope and trust, not that the union between them would last long enough to give us time to alter our system of finance—if that should require much time—but that pains should be taken so to amend it, that this tax should not survive the war.

On Question, *Resolved* in the *Affirmative.*

Bill read 3ª accordingly; and *passed.*

LAW OF SETTLEMENT AND REMOVAL—QUESTION.

LORD BERNERS, in *presenting* a petition of the guardians of the Poor Law Union of Cosford, in the county of Suffolk, complaining of the operation of the present laws of settlement and relief, and praying that the laws of settlement and removal might be repealed; that an Act might be passed whereby the poor might be entitled to receive relief in the place of their residence, and that rateable property throughout the kingdom might be made chargeable in an equal degree towards the expenses thereby incurred—said, he did so because he considered that it was due to their Lordships that some explanation should be given as to the cause, and some information as to the occurrences which had taken place from the 10th of February to the 13th of April, and which had led to the abandonment of the measure brought forward by Her Majesty's Government upon this subject (the Settlement and Removal Bill). The present was not a party question, and he would for a few moments refer to the history of the Bill in the other House of Parliament. It was well known to their Lordships that the injurious oppression resulting from the laws of removal and settlement was no new subject; for so long ago as the year 1735 a Committee of the House of Commons was appointed to consider the question. Various changes had taken place in the law since that period; and in the years 1844, 1845, and 1846 the law formed the subject of various discussions in the other House; in 1847 a Committee was again appointed, and considered the matter; and in 1848 Mr. Buller, the then President of the Poor Law Board, sent out a Commission, consisting of eight gentlemen, well qualified to investigate the subject. That Commission went into the rural districts, making full reports as to the injurious effect of those laws, and the right hon. Gentleman who now so ably filled that office (Mr. Baines) followed up those inquiries in 1850 by collecting the reports of all the Poor Law Inspectors; and the general opinion with respect to those laws was found to be that contained in the petition he now presented to their Lordships' House; that they were unequal and unjust, oppressive to the ratepayers, while at the same time they were most detrimental to the interests of the poor, in many instances confining them to their own parishes, preventing them from obtaining work out of their own district, and depriving them in consequence of many comforts. Indeed, that petition was but the echo of about 105 which had been previously presented to the House. He need not refer alone to the evidence taken before the Committees of the House of Commons, but to the able Report of Mr. Coode, and to their Lordships' Committee, for recommendations in favour of the repeal of those laws, as being injurious to the ratepayer and employer and unjust to the labourers. They recommended that the area of rating should be extended, and stated that one of the greatest difficulties connected with the subject was that which had reference to the removal of Scotch and Irish paupers, and to the question whether they could be included in a general measure. It had been stated both in that and the other House that it was not the intention of Her Majesty's Government to interfere with them; and the matter which required explanation was, how it happened

that after the right hon. President of the Poor Law Board had brought in his measure, another distinguished Member of the Government had introduced an element which, as was well known, led to the abandonment or defeat of that measure. Last year a Bill which he had the honour of introducing was not pressed, in consequence of a pledge given that Her Majesty's Government would themselves bring forward a measure on this subject. He could not help thinking that after that measure was brought forward by Her Majesty's Government, and after an allusion had been made to it in Her Majesty's Gracious Speech from the Throne, at least their Lordships should, when they found it had been abandoned by the Government, have some explanation as to what had led to its abandonment. The latter part of the question which he had put upon the notice he trusted that the noble Earl would also condescend to answer. The discussions which had recently taken place upon the income tax rendered it more necessary that some explanation should be given as to the views of Her Majesty's Government on this subject. He would not trouble their Lordships with any figures, but begged to recall to their recollection that the burdens occasioned by these laws were recognised not only by the Chancellor of the Exchequer, but in the Resolutions of the Committee of their Lordships' House, as being very heavy. The land tax, which could only be called another property tax, also bore very heavily all over the country; that tax was made perpetual by the 38th of George III. on the failure of the Government of the day to carry the succession duty; and he could very well remember that when the noble Earl was pressing on that measure in the House last year he pointed out that it was necessary to carry it in order that the income tax might be gradually abolished. Thinking that some explanation was necessary, he wished to ask the noble Earl at the head of the Government what steps they were prepared to take to remedy the evils complained of in the petition, and whether the Scotch and Irish poor would be included in any measures they introduce; also, whether it was the intention of Her Majesty's Government to relieve real estate from any portion of the burden at present levied upon such property exclusively under the head of poor rates?

THE EARL OF ABERDEEN: In answer to the question put to me by the noble Lord, it is unnecessary for me to say, as the noble Lord is aware of it already, that Her Majesty's Government entirely agree in the prayer of the petition presented by him; that it was their intention to give effect to the abolition of the law respecting the settlement and removal of the poor; and that an Act was introduced into the other House of Parliament to accomplish that object. My answer to the question put to me with respect to the Irish and Scotch poor being included in that measure is, that there must be an extensive inquiry as to the effect of including the Scotch and Irish paupers in any such measure before they could be so included. Circumstances have occurred which have led to the suspension, but not to the abandonment, of the measure in the other House of Parliament, and a Select Committee, to inquire into the state of the law affecting the removal of the Scotch and Irish poor, has been appointed, I believe, or is to be appointed this very day. Your Lordships will then see, by the Report of that Committee, whether it is possible to ingraft into the same law a measure affecting the removal of the Scotch and Irish poor, or whether a separate measure will be necessary. I fear, from the nature of the inquiry which must take place before legislation on this subject, there is no prospect of any measure being introduced in the course of the present Session, and I think it is impossible, until the result of that inquiry is known, that any measure should be proceeded with which should be applicable to the English poor alone. In answer to the latter part of the question, I may say that provisions have been already before the House to extend the area of chargeability of rates, but we do not contemplate a national rate, neither is it our intention to make any change in the charge of real property to the poor rate. All I can add is, that it is highly important that the Committee should make their Report as speedily as possible, in order that legislation should take place early next Session.

LORD BERNERS said, it was quite true that by one of the clauses of the Government Bill the area of rating was extended, but it did not go far enough, and in some cases that extension would prove a positive injury to country parishes, as in the instances where they were situated near towns. He thought that if a large class of property now exempt paid its quota much of the opposition to the Bill would be done away with.

THE EARL OF DONOUGHMORE said, the noble Earl had said nothing as to the present intentions of the Government, which he thought was what his noble Friend wanted to know. He warned the House of the danger of a Union rating. The establishment of a poor law at all was opposed to all the principles of political economy; and unless the funds raised by a poor law were administered under small local boards, the effect would be to swamp the whole property of the country. He believed that the mode of administering the poor law adopted in Ireland was the best and safest that could be carried out. There a pauper was relieved by the electoral division, if he had resided in it for twelve months out of three years before he became chargeable; if he was not a resident for twelve months in any one electoral division, he was chargeable on the Union. Again, there was but a sparing administration of out-door relief in Ireland. He believed that if the English Poor Law was administered as the Irish Poor Law was in Ireland, English ratepayers need have no fear of being swamped by Irish paupers. By the last return of the Poor-Law Board the Poor Law expenditure in England for the year ending Lady-day, 1852, was 6,800,000*l.* Of this sum 4,800,000*l.* was expended in actual relief; and of this sum 3,000,000*l.*, or three-fifths of the whole, was expended in out-door relief. Let him contrast that with Ireland. The total expenditure in Ireland for the year, up to the 29th of September, 1852, was 833,000*l.*, out of which but 4,917*l.* was expended on out-door relief. In England the cost was *5s. 5d.* per head of population; in Ireland it was only *2s. 7d.* He trusted, therefore, the Government would endeavour to engraft upon their Bill, if not the whole, at least the leading principles of the Irish Poor Law Act. But, whatever they did, he would oppose any measure which did not do full justice to Ireland in respect to removals. The noble Earl and his Colleagues in the other House had admitted that the case made out for Ireland was a triumphant one, and there was no principle of justice or equity which entitled a pauper from Northumberland to relief in one of the London parishes without removal to the place of his settlement, while if he were born on the other side of the Channel, he should be sent back to his native country. He knew cases in which English paupers had been relieved in Ireland. There were not many such cases, he admitted; but, whether many or few, did not affect the principle of reciprocity.

The Earl of ABERDEEN said, that the Government were only waiting in respect to their determination relative to the removal of Irish paupers until they knew the result of the inquiry about to take place.

The Earl of CLANCARTY trusted that the questions included in the discussion having been now fairly raised that they would not be allowed to rest until the difficulties connected with them were satisfactorily solved. Their Lordships might rest assured that the affections of the Irish peasantry would never be wholly secured for this country as long as they saw the Irish labourer in England who might happen to be struck down by want or sickness denied the relief to which the English labourer was entitled under similarly distressed circumstances in Ireland. Instances of distress affecting English residents in Ireland were not altogether unknown, as he could testify from his own experience; and although the English peasantry did not resort in great numbers to Ireland, yet English soldiers were very commonly stationed there, who not only were sometimes reduced to the condition of paupers themselves, but likewise not unfrequently begot paupers as well.

Lord BEAUMONT said, there was one point which was always entirely overlooked in these discussions, and that was that the area of taxation ought to depend upon the nature of the settlement. If there was a parish settlement, it was just that the parish should be the area of taxation; if there was a union settlement, there should be a union rating; and if there was no settlement at all, as some recommended, the rate should be national. He admitted that considerable advantages would be derived from the abolition of the law of settlement altogether; but, on the other hand, when they reflected that a parish settlement had the effect of making those who paid the rate interested in keeping down pauperism, and that a national rate would leave to those persons only a slight interest in watching over the expenditure of their district, they would see that the subject was one of no ordinary difficulty. He was satisfied with the answer given by the Government on the present occasion, because he was glad that the Bill introduced into the other House by the President of the Poor Law Board had been referred to a Select Committee with the view of undergoing mature and deliberate consideration. There could be no doubt that the law, as it present stood, was extremely hard upon the Irish poor; but the noble Earl opposite should remember that it was only when they became permanent paupers that boards of guardians in England ever thought of removing them to their own country. At the same time he should be glad to see the law altered.

Petition ordered to lie on the table.

THE CONDUCT OF BUSINESS.

Lord REDESDALE moved the following Resolution—

> "That this House will not read any Bill a Second Time after Tuesday, the 25th of July, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the Second Reading is moved, that the Circumstances which render Legislation on the Subject Matter of the same expedient are either of such recent Occurrence or Urgency as to render the immediate Consideration of the said Bill necessary."

The noble said he believed, that if their Lordships would adopt the Resolution, that it would have the effect of enabling them to draw their deliberations to a close at an earlier period of the year than had hitherto been the case. A restrictive principle of a similar nature had been already adopted in reference to private business, and with the best effect, because the parties interested were thereby induced to prepare and press forward their Bills, and the Committees exerted themselves to expedite them; and he could see no reason why they should not extend the rule to public business as well. And to show how necessary it was to adopt some rule of the kind—if their Lordships wished to give a due consideration to the measures that came before them—he would refer to the experience of the last Session of Parliament, which commenced in the month of November. During the last Session there were no less than 136 public Bills passed; but of these only forty had been passed up to the end of July; so that in the month of August no less than ninety-six Bills received the Royal assent, sixty-two of which were read a second time after the 25th of July. Now, it must be evident at the first glance that sufficient time was not allowed for the consideration of the many subjects involved in these Bills. It had been said sometimes that their Lordships' House was merely for the purpose of registering the deeds of the other House of Parliament—that, in fact, they were almost useless for the purposes of legislation. But really the experience of last Session would seem to justify such a conclusion, and give the charge some weight, when it was considered how numerous were the measures that had been so quickly disposed of. He would only say, in conclusion, that he believed the Speaker of the House of Commons and several of the most influential Members were in favour of the proposal which was embodied in his Resolution.

The Earl of **ABERDEEN** said, he remembered ever since he entered Parliament, now nearly fifty years, the complaints now made by the noble Lord having been made in that House over and over again, and there must, he thought, be some very great difficulty in remedying the evil; since, notwithstanding the multitude of complaints which had been made, it still continued unabated. The attempt now made by his noble Friend might produce some effect; but he (the Earl of Aberdeen) was not very sanguine as to the result. Their Lordships might, however, adopt it, at least as an experiment, and they would then see what effect it would have during the present Session. He believed the tendency of the Resolution would be to expedite the progress of Bills in the House of Commons, and enable them to be laid before their Lordships at an earlier day than at present. The qualifications contained in the Resolution were necessary ones, for it would be impossible to bind the House not to read a Bill a second time after the 25th of July. It was absolutely necessary for Bills of aid or supply, and other measures described by the noble Lord, to be taken from the strict application of the rule, or otherwise he was not sure how far it would be right for the House to name arbitrarily a day after which their Lordships would not hear or proceed with public measures. However, without being sanguine as to the effect of the Resolution, he thought the object was a good one; and as he understood that several influential Members of the House of Commons took the same view as the noble Lord did, he would not throw any obstacle in the way of a fair trial of the experiment in the present Session.

Lord **BEAUMONT** hoped their Lordships would not agree to the Motion. That they should say beforehand that after the 25th of July they should then and there stop the whole Parliamentary business of the country, appeared to him to be almost unconstitutional. Parliament was supposed to be sitting continually, and if the House of Commons sent up a Bill to their Lordships after the 25th of July, they were bound to take it into consideration, though of course they were at perfect liberty to postpone it, to pass it, or to reject it, just as they thought proper. Why should not their Lordships be in that House attending to their duty after the 25th of July as much as before that date? As Peers of Parliament it was their duty to attend, and he was unwilling to announce to the world that they were passing a Resolution to enable them to evade their duty in order to enjoy the summer months in the country. He protested against the Resolution, as being an attempt arbitrarily to limit the duration of Parliament, to prevent their Lordships from discharging their duty, and to violate the principles of the Constitution.

Lord **REDESDALE** believed that, so far from the Resolution enabling their Lordships to shrink from their duty, it would be found practically of great usefulness, and would induce them to proceed with public business with due despatch, unless a particular reason existed for deferring it. As to the Resolution being unconstitutional, it was only carrying out an old standing order of the House. In 1668, an order was passed in reference to a Bill which came up from the House of Commons, requiring that no discussion should take place upon Bills introduced after a certain date in the Session.

In reply to a question from Lord Stanley of Alderley,

Lord **REDESDALE** stated, that if his Motion were agreed to, it would become a sessional, and not a standing order.

On Question, *agreed to.*

House adjourned to *Thursday* next.

HOUSE OF COMMONS,

Tuesday, May 2, 1854.

The House met; and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till *To-morrow.*

HOUSE OF COMMONS,

Wednesday, May 3, 1854.

Minutes.] Public Bills.—1° Exchequer Bills (£16,024,100).
2° Mortmain.

MORTMAIN BILL.

Order for Second Reading read.

Mr. **BOWYER** said it was not his intention to offer any opposition to the measure. The general principles of the Bill appeared to him to be sound and reasonable, and he felt great satisfaction at seeing a Bill brought forward which in some respect touched the endowments of the Roman Catholic religion in a spirit of fairness and justice, and without any of those hostile observations, or that hostile tone, which he had so often to deplore in the proceedings of the House with regard to Roman Catholics and their institutions. He could safely say for himself and for those with whom he acted, that whenever measures were brought forward affecting them in the fair spirit that characterised the speech of the hon. and learned Gentleman (Mr. Headlam) who brought in this Bill, he should be always ready to meet those measures in the same sort of spirit, and to discuss them fairly and in a liberal manner. He begged to state distinctly that the Roman Catholics of this country did not desire to be legislated for on an exceptional or exclusive principle. They were willing to be dealt with on the same legal principles as Her Majesty's other subjects; but when he said that, he must say it with the limitation which the proposition itself necessarily involved. When it was said of any set of persons or set of interests that they were ready to be legislated for in the same spirit as the rest of Her Majesty's subjects, they expected, nevertheless, that regard should be shown to the peculiar circumstances in which they were placed. Now, the Roman Catholics were placed under peculiar circumstances. For a considerable period all their institutions were absolutely illegal. By the liberality and the wisdom of Parliament that state of things had been, to a considerable degree, altered; and by successive Acts of Parliament they had been more and more treated in the same manner as other religious denominations in this country; but, notwithstanding that, there remained objectionable legislation still in existence affecting Roman Catholics; and, therefore, when a measure was brought forward referring to subjects of this nature, great care must be taken so to modify the measure that it may work no injustice, having regard to the peculiar laws and institutions under which the Roman Catholics and their institutions were placed. The task of so adapting such a measure was one of great difficulty and delicacy. He thought the hon. and learned Member for Newcastle-on-Tyne (Mr. Headlam) had shown in this Bill a laudable disposition so to deal with these institutions; but at the same time he thought it was utterly impossible that the House could properly deal with all the circumstances and the complicated legislation that must be considered in reference to the adaptation of this Bill to the circumstances of the persons whom he represented. It would be impossible for that House to do it, and therefore he thought it would be conducive to good legislation, and answer the purpose of the hon. Gentleman himself, to refer this Bill to a Select Committee, for the purpose of thoroughly considering all those matters. He did not offer that suggestion with any intention of obstructing legislation. The business before the House was so light, that he thought it would be very easy in about a week's time to consider the Bill in a Select Committee, and he was sure if it went through that ordeal it would be more satisfactory to all the parties affected by it. He felt bound to offer the suggestion, not merely from a consideration of the interests of the Roman Catholics, but because it affected all the great charities in the kingdom. All the great foundations in London and all over England were affected by it, and it was impossible to carry through this Bill so as to do justice to all these cases without the consideration of a number of nice points of law and conveyancing that could not be considered by the House. There were clauses, for example, to cure defects of title, and those defects of title and the clauses to cure them were matters of great nicety on which experienced conveyancers might probably differ; and he was sure that the great charities of the country would feel they were much more safely and wisely dealt with if they found that a Bill touching matters of title and matters of so much importance had been considered by persons duly qualified in a Select Committee, than if it were passed by the House without going through that ordeal. He thought that the Bill, founded as it was upon a just principle, involved something beyond what appeared in the Bill itself. The principle he took to be this, that families should not be disinherited and injured for the sake of the enrichment of ecclesiastical or other charities. It was that distinction which ought to exist between private property and property of a different description, which if devoted to public charity, must be regulated by a species of law totally different from that private law which regulated the private property. But the question was a much wider one than that raised by this Bill. The real question was, whether the law of England, which allowed a man to disinherit his children, or the law of Scotland and other countries, which prevented him from entirely disinheriting his children, was the sound one. As the law stands now, a man, supposing him to be possessed only of landed estates, would be precluded from leaving anything whatever to any charity by will, though he had no wife or children, or other near relations; but a man, with a large family of children and a wife, had the power by his will to take the inheritance away from his wife and children and leave it to any worthless person in a manner detrimental to morals and injurious to the feelings of every person who knew the duties that a man owed to his family and to society. Though the law restrained a man from giving the property to a charity, it did not restrain him from throwing it away or leaving it away from his family for any purpose caprice might suggest, provided it was not for charity. Taking those things into consideration, it appeared to him, when they were called upon to give their opinion on the whole question of the power of disposing of property and the difference that exists between the law of Scotland and of England on that subject, that such an investigation, though not necessarily a long one, would be of very great value and importance. He promised that he would do all in his power to compress the investigation within such limits as would not obstruct the progress of the Bill. He thought it would be a valuable modification of this Bill if some power were allowed to a man on his deathbed to dispose, in accordance with a conscientious feeling and a conviction of duty, of a portion of his property for charitable purposes. He, for one, was against deathbed dispositions as a general principle. When made for ecclesiastical purposes, they were liable to cause scandal, and had brought a degree of blame, most unjustly, on the Church. Therefore he thought the hon. Gentleman acted wisely in providing against deathbed dispositions as a general rule, in favour of charities; but he thought that a modification of the sort he had suggested would be very valuable, because it would reconcile that deathbed charity with the duties a man owed to religion and his conscience in many cases. It would enable him to do that which he ought not to defer until his deathbed, but which it was better should be done on his deathbed than not done at all. It would prevent the distress of mind that might happen to people on their deathbed who felt they owed it as a duty of conscience and religion to do some act of charity, restitution, or reparation, before they departed this life. The man who had that feeling should not be deprived of the consolation in his last moments of indulging that feeling, provided he could do it without inflicting injustice or hardship on any of those for whom he was bound in conscience to provide, and who should be the objects of his solicitude. Those reasons led him to appeal to the hon. Gentleman to allow this Bill to be referred to a Select Committee. He would take that opportunity of referring more particularly to one clause, about which he thought there was some misapprehension; and he thought that clause required to be very well considered in a Select Committee. He alluded to the 18th clause, which was supposed to deal with what was called secret trusts. He thought a great deal of confusion of ideas existed with regard to secret trusts. A secret trust was as much a trust as a trust that was not secret; the only difficulty was to discover that secret trust. He apprehended that that could be done now by the machinery and proceedings in the Court of Chancery. The Attorney General might file an information, and put a man on his oath, and oblige him to answer very stringent interrogatories, the effect of which must be to elicit whether he held the property under any trust whatever. He would give an instance. A considerable time ago a sum of 100,000*l.* was left to the then Catholic bishop of the London district, Dr. Bramston. An information was filed against him, and he was asked whether this was his private property, or whether he was not bound by a secret trust to give that property to religious purposes belonging to the Roman Catholic Church, which at that time it was illegal to do, and which involved the forfeiture of any money left for such a purpose. The bishop considered the matter most scrupulously and conscientiously, and though he might have said, certainly, that legally and in point of law it was his private property, and he might have done anything he pleased with it; still he honestly admitted he did hold it as a trust, feeling that he did hold it as such, and was bound to apply it to the purposes of religion; and he sacrificed the whole of that large sum of 100,000*l.*, though he might have merely answered the question with reference to the law, and said it was his own property. He (Mr. Bowyer) mentioned this circumstance, not merely to show the honourable feeling of the right rev. Prelate, but to prove that, with reference to a secret trust, it was dealt with, when discovered, at law as if it were not a secret trust. What were called secret trusts were not trusts at all. Where a man had property left to him, and felt bound in conscience, either on account of his position, or because he thought it would be agreeable to the wishes of the person who left it to him, to apply the money to charitable purposes, that was not a trust at all. It was just like a debt of honour, and every one knew perfectly well there were a great number of moral obligations which the law could not enforce. He defied the hon. and learned Gentleman, with all his legal skill and assiduity, to frame any measure which should deal with all those conscientious obligations; any provision which would trench on the distinction between legal and moral obligations would only induce confusion and difficulty. For these reasons he intended to press the hon. and learned Gentleman to allow the Bill, after it had been read a second time, to go in due course to a Select Committee, and should he be on the Committee he would do everything in his power to facilitate the passing of the Bill through it, and to give effect to the sound principles on which this valuable measure was framed.

Mr. WHITESIDE said, he did not intend to offer the least opposition to the second reading of the Bill, and he thought the hon. and learned Gentleman was entitled to much credit for the able manner in which he had brought this important subject before the House. He was glad to collect from the observations of the hon. Member who had just spoken, that he had no objection that the principles of this Bill should be extended to Ireland. The hon. Gentleman had justly pointed out the mischief of deathbed grants, and he, for one, was quite willing that the ecclesiastics of his Church should be dealt with like those of any other religious community. In Ireland, they had a very excellent institution—the Charitable Bequests Board—on which some Roman Catholic laymen of the highest character sat, and when a bequest was lodged in their hands, they took care that it was applied *bonâ fide* to the purposes for which it was given. With respect to secret trusts, if the provisions of the measure were made sufficiently pointed, he should be happy to support them.

Mr. COLLIER said, he would not advise the author and supporters of the measure to assent to the proposition now made for referring it to a Select Committee. Two Committees had already sat on the subject, and it had during two Sessions gone through the most careful investigation, of which the present Bill was the result. It seemed to him to express the conclusions to which the Committees had arrived as clearly and shortly as possible, and was of a character by no means complicated in its details. It extended cautiously and carefully principles which had been sanctioned by their recent legislation, the dispositions of the measure being governed by similar rules, and the chief addition being the provision of facilities for new sites to schools and churches. The Bill also enacted certain limitations whereby the disposition of personalty was controlled in the same direction as that of realty, which to him seemed the most valuable part of the measure. It did not go to the full extent which might perhaps be desirable, of placing personalty on the same footing as realty. As regarded the main object, it was quite enough to restrict its provisions to a definite class of devises, which everybody understood, namely, those for charitable purposes.

Mr. HUME said, that with reference to the suggestion of the hon. and learned Member for Enniskillen (Mr. Whiteside), he had always been of opinion that the laws of England and Ireland ought to be assimilated. In fact, he should like to see the same laws in all the three kingdoms. Approving of the suggestion to extend the Bill to Ireland, he hoped the hon. and learned Member for Enniskillen would—no one more fit—prepare clauses to carry that suggestion into effect. He was opposed to referring the Bill to a Select Committee, being of opinion that any alteration necessary might well be made in Committee of the whole House. It seemed to be the rule now-a-days to get rid of every measure by sending it to a Select Committee.

Mr. J. D. FITZGERALD said, he quite agreed with the hon. Member for Montrose in thinking that there ought to be equal laws for England and Ireland; but it would not be wise, because a Bill of this kind was brought in, immediately to sweep away an existing system in Ireland, which was working well. Any attempt to extend the operation of the present Bill to Ireland would, he feared, be fatal to its passing into law during the present Session.

MR. HADFIELD said, that the existing law of mortmain had presented the greatest objections to the extension of the benefits of charitable institutions. He looked upon it as a main cause of the prodigious success of charitable institutions that they had discarded endowments. In the present state of matters the evil apprehended from any alteration of the law regarding deathbed bequests must be regarded as one of idea rather than anything else.

MR. HEADLAM, in reply, said he must beg to explain, that it had been his object in this measure to place all religious sects and persuasions upon the same footing. He could not fall in with the desire of sending this matter to a Select Committee. Two Committees, as had been mentioned by the hon. and learned Member for Plymouth (Mr. Collier), had already well considered the law, and their labours, he thought, had quite exhausted the matter. With reference to assimilating the law in Ireland with that in England, he would remind the House that the state of the law in England and Ireland was very different. Hence, although he saw no objection to extending the provisions of this Bill to the sister country, still he doubted whether it would be quite advisable to attempt to carry out the entire matter in one Bill, because that would be putting the English measure in some jeopardy to no very great purpose. Still, if the hon. and learned Gentleman (Mr. Whiteside) thought fit to move additional clauses in Committee, he (Mr. Headlam) would give them his support.

Bill read 2°.

CRIMINAL CONVERSATION BILL.

Order for Second Reading read.

MR. BOWYER, in moving the second reading of this Bill, said, it was divided into two parts. The first part abolished damages to be paid to the husband in actions for criminal conversation, and substituted in lieu a fine, to be paid to the Crown, by way of punishment for the offence. The other part of the Bill gave the woman a right to be heard. With respect to this latter provision he had heard no difference of opinion. It seemed to be founded on natural justice that the woman, who was really the person on trial, should be allowed to appear, either to rebut the evidence offered, or to show, if she were guilty, that her guilt was not of so deep a character as might have been supposed if she had had no opportunity of exposing the real state of things. When the case was tried as one of damages, it was the interest, and sometimes the practice, of the defendant, to blacken as much as possible the character of the woman, in order to show that the husband was not greatly injured by the loss of her society. He would not, however, go at length into any argument on this subject. All persons appeared to be of one opinion, that it was an act of justice to the woman that she should be permitted to have an opportunity of defending herself—the same as every person charged with an offence was on principle allowed to do, and which even the Divine law required. He would now proceed to the question of damages. There was no law in any country in the world except in England which allowed an injury of this description to be paid for in money. It was argued that, as an assault and every other kind of injury were compensated for by money, there was no reason why an injury which dishonoured a family, disgraced and ruined a wife, and destroyed all domestic happiness, might not also be represented by money. But the unanimous voice of the Christian world had pronounced against that proposition. It was unnecessary for him to argue the point, as every hon. Member must feel that there could be no parallel between the case of an assault and of an injury of this deplorable nature. It must be revolting to every right-minded person that a pecuniary remedy for such an injury should exist. It was a remedy adopted merely because the practice of Parliament required that a verdict should be recorded against the defendant before the injured party could proceed to obtain a divorce *a vinculo*. That was the only reason why the law still tolerated the practice of making it a pecuniary question—a practice revolting at once to the most honourable and most sacred feelings of our nature. But the question had been raised, whether this ought not to be made altogether a criminal proceeding? There was no doubt that in every other country adultery was punished as an offence, and it was argued that the law of England ought to be assimilated to that of other countries. No doubt the question was one worthy of discussion, and, if a clause were proposed and adopted in Committee to make the offence a misdemeanor punishable by indictment, he should be ready to make the necessary changes in the Bill which that alteration required. But it had appeared to him more judicious not to propose, in a Bill of this nature, so great an alteration in the jurisprudence of the country. He thought it more desirable to consider what was the real evil to be remedied, and to meet that evil without going beyond what was really necessary, especially when, by doing so, you would be dealing with a branch of the law so important and so delicate as that of the law of marriage. Another objection had been made against a portion of the Bill to which he thought some weight did really attach. Cases might, no doubt, occur where the loss of the society of the wife might inflict pecuniary injury on the husband. For instance, property might be so settled that, by the loss of the society of the wife the husband might sustain a pecuniary injury. Again, a wife might have materially contributed to the maintenance of the family, and it was obvious that in that case, where the wife had been disgraced by committing the offence of adultery, a pecuniary loss must be sustained by the husband. He had considered this objection, and had consulted several learned friends upon it, and he and they were of opinion that the present Bill would not prevent remedy by civil action in such cases. This Bill enacted that the husband should not receive damages for the mere adultery of his wife; but if, in consequence of that adultery, the party suffered a pecuniary loss, he would then have his remedy by action on the case for consequential damages. He believed that was the law. It might be doubtful, and, if so, it was very easy to set the point at rest in Committee. At all events, this was not an objection to the second reading of the Bill. He had been somewhat criticised for not having taken a wider range in this piece of legislation. He had been told he was only dealing with one point of the law in respect to the relation of husband and wife. He believed that in doing so he had acted most prudently. The law in reference to husband and wife was a matter of the greatest importance to society; he therefore thought it wiser to confine himself to an obvious point which demanded alteration, and to apply a remedy to what was a defect in a judicial proceeding in which the wife was in reality on her trial, although she had no power to be heard. He therefore sought to give her that power, and, at the same time, to assimilate the law of England to the law of every other civilised country applicable to an injury of this kind, by enacting that it should not be dealt with as an offence that could be compensated for by money; but that it should be treated as an offence against society; and that all temptation on the part of the husband to seek to obtain money by the dishonour of his wife should be taken away. On these two points more particularly, therefore, he asked the House to read the Bill a second time. He would say one word with regard to the law of divorce. He knew he should be blamed for not dealing with that question, but he was peculiarly situated as a Roman Catholic, in reference to the law of divorce. The Roman Catholic Church held that marriage could not be dissolved under any circumstances whatever. That was also the common law of England, which held that a divorce *a vinculo matrimonii* could not be declared after the nuptial tie had been once made. It was only by the transcendant power of Parliament, which overruled the ecclesiastical and the common law, that a remedy was granted in particular instances. The law of divorce had been examined into by Commissioners of great eminence and learning, and one of those Commissioners, a sincere member of the Church of England, and a person distinguished for his industry and ability—Lord Redesdale—had recorded his opinion in the appendix to the Report of the Commission that marriage ought not to be dissolved, and that it could not be dissolved, thus supporting the doctrine which was held by the Church to which he (Mr. Bowyer) belonged. A question, therefore, of such great importance, and admitting as it did of such wide differences of opinion, was one which deserved the entire and separate consideration of the House, and one which ought not to be mixed up with the subject of the present Bill. He trusted that the House would give this Bill a full and fair consideration. The House ought not to forget that the Bill was one affecting not only the interests of the whole community generally, but one affecting the interests of one class of the community in particular, who had not seats in that House, and, therefore, whose rights and interests ought to be treated by the House with peculiar care and scrupulousness.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. COLLIER said, he regretted that his attention had not been earlier called to the Bill, in order that he might have given his hon. Friend notice of the course which he intended to take; but this Bill certainly appeared to him to be one with which it was not desirable that the House should proceed any further, and he should, therefore, move that it be read a second time that day six months. He thought the most correct title of the Bill, according to what he believed would be its operation, would be "A Bill for the Encouragement of Criminal Conversation." It might or might not be desirable to encourage that species of intercourse, or to make it a criminal offence; but it seemed to him that the House ought to come to some distinct understanding whether adultery was to be made a criminal offence or not. If it was to be considered a criminal offence, then let it at once be declared to be a misdemeanor; but, as the Bill was now framed, it was not stated, and he found it impossible to discover, whether it was meant to make it a criminal offence or not. The first section of the Bill was of a most ambiguous character. It mixed up criminal and civil proceedings in a manner quite unknown to the present law. It enacted that a man might bring an action against another man for having seduced his wife, but that he should not obtain any damages; and it then went on to say that if the defendant was convicted, he might be adjudged to pay a fine to Her Majesty as the Court might think fit; but no power was given to indict the defendant. All that the injured party could do was to bring an action against him, by which he himself could get nothing. It was not difficult to see that such a law would deter many from bringing actions, and the consequence would be, that the offenders would be absolved from paying any damages or fine. But, assuming that the character of the offence should be regarded as criminal, then by the provisions of the Bill the man only would be treated as the offender, and not the woman. Now, he apprehended that if adultery was to be treated as a crime, both parties to the act should be deemed guilty. If they were to legislate criminally, it would be utterly impossible to discriminate between the two parties, the man and the woman. But, again, by the clause as worded, the defendant was only to be fined in case a verdict was found against him; so that he would have nothing to do but to let judgment go by default, in order to escape a fine. But the anomalies of the Bill did not stop there. The defendant was to pay a fine at the discretion of the Court, but the Judge also was empowered to give costs to the defendant. This was extremely new in the history of our jurisprudence. He certainly had read of a case of crim. con. in which, by the eloquence of Mr. Erskine, a jury was induced to give *500l.* damages to the defendant. Whether his hon. Friend contemplated the possibility of a defendant being so ill-used that he ought to have his costs he could not tell, but it was certainly a very novel provision of law. Among other things, the lady was to be allowed to intervene in the action, and certainly in a somewhat anomalous manner. She might appear in Court, but it was not said that she should be a party to the suit, nor that she should, by pleading, deny or confess her guilt, or state what was the issue she wished to raise. Now, all that was new. Since the time that oral pleadings had been abolished, it had always been deemed necessary that before a party came into court he should let the opposite party know what his case was, and whether he admitted or denied the allegations made against him. Now, he agreed with all the improvements that had been made in special pleading, but, certainly, before a person came into court he ought to be made acquainted with the case he had to meet. But by this Bill the lady might come into court and employ counsel without being previously bound to say what was her case; but she might take whatever course she pleased, and, by a subsequent clause, she might have her costs allowed her. These were among a few of the anomalies of the Bill. If they were to admit the principle of the Bill—namely, that adultery should be treated as a criminal offence, subject to a fine, and that damages to the plaintiff should be abolished—then the Legislature must go further, and treat of the question of seduction also, and must deprive the relatives of the person seduced of the right of obtaining any damages. Was the House prepared to adopt that course? It might be said that no pecuniary damages could be adequate to the loss of the society and affections of a wife who had been seduced, but it might with equal truth be said that no damages could compensate a man for the loss of his wife by means of a railway accident, or for the loss of a leg, or of an arm. But was it to be said that, therefore, no compensation was to be given in such cases? That principle would have the immediate effect of abolishing every action allowed by that most beneficial Act which was introduced by Lord Campbell, and a man who had lost a wife or children by a railway accident would have no right of action against the railway company for damages on the ground that no damages could be adequate to the injury sustained. That was, however, in his opinion, no reason why damages ought not to be given. The effect of this Bill, shortly stated, was, that it endeavoured to make adultery a misdemeanor by a side wind, and mixed up a civil and criminal procedure in one enactment. It contained these and other anomalies which appeared to him incapable of being rectified by a Committee, and, under these circumstances, he should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. CRAUFURD said, he could not refrain from expressing his surprise at hearing a professed law reformer utter such sentiments as his hon. and learned Friend had just addressed to the House. The hon. and learned Gentleman seemed to object to any reform which introduced an innovation into the law; he objected to one of the provisions of the Bill on the ground that it was quite new. Undoubtedly, the Bill did introduce a principle that was new, but he (Mr. Craufurd) could not understand that to be a sound reason for objecting to it, if the principle were a good one. The force, however, of all the objections urged by his hon. and learned Friend applied to the details of the Bill rather than to the principle. With regard to the objection which was urged, that if the Bill passed the plaintiff would obtain nothing at all, his hon. and learned Friend seemed to forget that it was only by an action at law that the party could obtain a divorce. The object of the Bill was to enable a man to obtain relief by divorce, and at the same time to do away with that objectionable principle in our jurisprudence—that a man might get money as a compensation for the loss of his wife's honour. If he (Mr. Craufurd) had any fault to find with the Bill, it was that it did not go far enough. It did not go to prevent that tripartite procedure which was at present required in order that a man might obtain a divorce. He agreed with some judicious observations recently expressed by Mr. Justice Maule, in which that learned Judge said that a large proportion of the offences of bigamy arose from the present expensive mode of obtaining a divorce. The Legislature ought to remove the difficulties that at present existed, and it was on that ground that he could have wished this Bill had gone further, and had enabled the Judge, when he was satisfied that the case was a *bonâ fide* one, to pronounce a divorce at once, instead of the party being required first to obtain damages at common law, then have to go to the Ecclesiastical Court, and finally to go to the House of Lords, before a divorce could be obtained. That was a state of things which cried loudly for reform.

Mr. WHITESIDE said, he considered the remarks of the hon. and learned Gentleman in reference to the hon. and learned Member who had moved the Amendment were not called for. The course which that hon. and learned Gentleman had taken proved him to be a sincere and earnest legal reformer, for his object was that every Bill which was introduced into Parliament purporting to amend the law should be intelligible. Now, the present Bill proposed things which were wholly impracticable. Parties were required to go to trial for no good purpose, and the jury were deprived of their constitutional right of assessing damages. The Bill was inconsistent. It made the remedy neither a criminal nor a civil proceeding, but one which it was impossible to act upon.

Mr. DIGBY SEYMOUR said, he agreed with his hon. and learned Friend (Mr. Craufurd) in the expression of surprise he had uttered with regard to the course taken by the hon. and learned Member for Plymouth (Mr. Collier). He should have expected that hon. Gentleman, as a sincere reformer of the law, to tender his thanks to the hon. Member for Dundalk (Mr. Bowyer) for having introduced this measure. The first objection was, that the Bill took away the common law remedy which the plaintiff had by depriving him of damages, and that, practically, the Bill was one for the encouragement of criminal conversation, but it appeared to him that to enforce a severe fine in the place of giving damages to the individual was to remove a great blot from our law. It was a monstrous thing that a man should be encouraged to seek large damages by parading before the world the shame and disgrace of his wife. The present Bill would prevent unprincipled men from resorting to such a mode of obtaining money, while it would afford to the really honourable and injured party a means of showing to the world that what he sought was, not damages, but a divorce. With regard to several of the objections urged by the hon. and learned Gentleman, they were rather of a special pleading character, and fitter to be considered in Committee than to be discussed on the second reading of the Bill.

Mr. PHINN said, that without wishing it to be supposed that he was not a law reformer, he felt bound to express his dissent from the Bill. The existing system was marked by anomalies and imperfections, but the Bill would increase them tenfold. The measure applied to only one portion of a great subject, which had been attentively investigated by Commissioners, who recommended that it should be dealt with in a comprehensive manner. The Bill touched only the surface of the question. It would prevent a man coming into a court of law to seek compensation for the injury sustained by the seduction of his wife; but in some cases this would work injustice. Suppose a man married to a woman who had 1,000*l.* a year for her own use. The money was applied to the maintenance of the family. A man seduced the wife; she applied the 1,000*l.* a year to the support of the paramour, and the injured husband could not obtain a farthing in the way of compensation. The mixture of civil and criminal procedure was also a very objectionable feature of the Bill. In the event of a man being unable to pay the fine which the court might impose, was he to remain in prison for life? The Commissioners had proposed that a separate tribunal should be established for the trial of all questions of divorce, and that to this court all the matrimonial questions at present decided in the Ecclesiastical Courts should be transferred. They also recommended that the jurisdiction of the new tribunal should be of a mixed character, partaking of common law, equity, and ecclesiastical law. The scheme of reform thus sketched out by the Commissioners was of a comprehensive and important character, but the present Bill dealt with only an isolated portion of the case, and that in an immature and imperfect manner. He would therefore recommend the hon. Member for Dundalk to withdraw his Bill and reserve his views upon the matter until the whole question came before the House.

Mr. J. D. FITZGERALD said, he thought the Bill ought to be read a second time, and either referred to a Committee of the whole House, or sent to a Select Committee, where the various objections which had been advanced might be removed. He considered, in spite of what had been said, that it was a strong argument in favour of the Bill, that under its provisions the only inducement which the husband would have to bring an action would be to punish the offender. He understood that the object of allowing the wife to be heard was, that she might not be sacrificed to any collusion between the husband and the alleged paramour, but that she might have the opportunity, which was now denied her, of defending her own charrcter.

The ATTORNEY GENERAL said, he agreed that the whole subject relating to the redress husbands were entitled to, when their domestic honour and happiness were assailed, did require mature consideration; and it was also a matter for mature consideration whether some greater redress than the law now gave should not be afforded to women who were seduced. He could well understand that a husband should not be allowed to derive a pecuniary profit from his wife's dishonour; still it would be a monstrous hardship to say that, under no circumstances should he be entitled to pecuniary damages for the injury inflicted upon him by the seduction of his wife. Take the case of a wife who had a separate income, secured upon her own property, upon which the husband or the children were dependent: it would be monstrous to say that the husband should not only lose his wife, but that she might transfer the whole of the fortune which she brought him to her paramour, and the husband have no remedy. [Mr. Bowyer: My Bill would not affect a case of that kind.] As it was now framed, it undoubtedly would—it deprived the husband altogether of the power of obtaining judgment in an action for damages. He thought, until they altered the system as to the law of divorce—while they left the husband only a most expensive remedy, which, unless he could afford to spend 2,000*l.* or 3,000*l.*, he could not command—they ought not to take away from him his right of pecuniary compensation; but if they gave him a cheap and simple remedy in the way of obtaining a divorce, then they would be free to consider whether the right to pecuniary compensation should not be abolished. These were reasons why he thought they should deal with the subject as a whole. If the House should consider that as against the seducer the remedy, instead of being by a civil action for pecuniary compensation, should be a criminal prosecution—that he could understand. In some countries that was the only remedy, while in others there were two modes of proceeding against the paramour—the one, for pecuniary damages for the injury done to the husband; the other, criminally, for the crime committed against society. But if it were said that criminal conversation ought to be no longer in this country a matter for civil action, but for criminal proceeding, if that was the object of the hon. Member, why did he not so provide in his Bill? Instead of doing this he introduced an anomalous system, in which he mixed up the civil and the criminal proceeding together, requiring that there should be a judgment obtained on a civil proceeding to be undertaken by the injured party, and that the Judge should inflict a fine as for a criminal offence. This was a change from the whole system of our legal procedure, in which no such thing as a criminal action was known, and would create complete confusion. He could not agree that they ought to send this Bill to a Committee and try to make something of it there; it was a bad system of legislating to introduce measures defective and impracticable in all their provisions in order that they might be made something of in Committee. With regard to this Bill it was objectionable as not being sufficiently comprehensive; as referring only to one part of a great subject which ought to be dealt with as a whole, as introducing a great anomaly into our legal system, and as being wholly impracticable in its details. The matter was one which had been referred to a Commission, it was under the consideration of the legal authorities, and ere long legislation must take place upon it; but to pass such a measure as this would rather retard than further that object. This Bill was neither one thing nor the other; it neither made adultery a criminal offence nor left it a civil one. He should, therefore, oppose its being read a second time.

Mr. M. CHAMBERS said, he was of opinion that there were cases in which a husband ought to obtain pecuniary compensation for the seduction of his wife, especially those cases in which he thereby sustained a pecuniary loss. This Bill, as it stood, would take away the right of the husband to bring any action for the recovery of pecuniary compensation for any matter arising out of the criminal conversation with his wife, and would therefore, in such cases, inflict an injustice. In cases of collusion with the husband, it was right that the adulterer should be fined, though not that compensation should be given to the husband, and he therefore thought that a power on the part of the Judge of imposing a fine upon the defendant in cases where, on account of the husband's collusion, the jury had given but small damages, would be wholesome and useful. The provision for the representation of the wife at the trial of the action was also, in his opinion, useful and salutary. As the Bill had many faults, he recommended to the hon. Gentleman who had introduced it that he should withdraw it, and frame another that should be more practicable in its machinery.

Mr. BOWYER, in reply said, that his arguments in support of the Bill had not been at all affected by what had been said against it. He did not see how this Bill could, as it had been alleged it would, afford encouragement to adultery, when under its provisions the adulterer, who now frequently escaped with the payment of a farthing damages, would always be subjected to a heavy fine. Every hon. Gentleman who had spoken on this question admitted the evils of the existing system, but, as was the usual practice, they all found fault with the way in which those evils were intended to be remedied. In the preparation of this Bill he had taken what he believed to be a middle course, a course which met the existing evils, and did not do more. The principle of his Bill had been admitted on both sides of the House. With respect to one of the objections urged against it, he would say that where a man suffered any special injury by the adultery of his wife he ought to have his action for the recovery of damages; but what he contended was, that the mere fact of adultery ought to be dealt with as an offence against society, and ought not to be made a question of pecuniary emolument. He therefore asked the House to affirm the principle of the Bill by reading it a second time, and reserving for discussion in Committee all objections taken to the details on both sides of the House.

Question put, "That the word 'now' stand part of the question."

The House *divided*:—Ayes 49; Noes 121: Majority 72.

Words *added*; Main Question, as amended, put, and *agreed to*; Bill *put off* for six months.

DECLARATIONS BILL.

Order for Second Reading read.

MR. APSLEY PELLATT, after presenting several petitions in favour of the Declarations Bill, moved that the Bill be read a second time. He said, he had been led to introduce this measure by the concessions which had already been made to Quakers, Separatists, and Moravians, in the substitution of declarations and affirmations for oaths; and had he thought that society had been in the least injured by those concessions, he should never have thought of carrying the principle of such substitution further. The hon. and learned Attorney General had stated, when leave was given to bring in the Bill, that there was a certain class of persons who came before courts of justice who would make the declarations proposed by the Bill hypocritically, in order to avoid taking an oath, and so to speak falsely with greater impunity. But that was a class of persons generally the most ignorant as well as the most vicious; and were they for a moment to be put in contrast with the large number of respectable individuals whose tender consciences it was now sought to relieve? The East India Company had some time since substituted declarations or affirmations for the oaths which persons entering their service were formerly obliged to take. The late Dr. Arnold would never have been Regius Professor at Oxford if the University had forced him to take the usual oath. Jeremy Bentham, Dr. Lushington, the late Daniel O'Connell, Dr. Whately, Sir Page Wood, and other eminent men, had expressed themselves, with more or less decision, in favour of substituting declarations for oaths; Richard Alexander, of Leith, had been imprisoned for thirty days for refusing to take an oath, and Mr. Fairbairn, of the same city, for twenty days for the same cause; he therefore thought the time had now arrived when the country ought to be relieved from the cause of reproach arising out of the too common practice of taking oaths imputed by the poet, when he said—

> "And hast thou sworn, on every slight pretence,
> Till perjuries are common as bad pence;
> Whilst thousands, guiltiest of the damning sin,
> Kiss'd the book outside that dare not look
> within?"

He asked no more, by this Bill, than that a large body of his fellow-countrymen and his fellow-dissenters should have conceded to them the same privileges as had already been granted to Quakers, Separatists, and Moravians, and for the very same reasons; and he trusted the House would allow the measure to be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

THE ATTORNEY GENERAL said, he willingly admitted that persons who entertained conscientious scruples to the taking of oaths should be relieved from the necessity of taking them; still he could not altogether agree to the Bill of his hon. Friend as it was at present framed. That he did fully admit the proposition that such persons ought to be relieved from the necessity of taking an oath was best shown by the fact that he had joined in the Report of the Common Law Commission recommending this change. There was now before the other House of Parliament, and he trusted that there would soon be before the House of Commons, a Bill making great Amendments in civil procedure and affording considerable relief to witnesses in this particular. It was his intention, with the permission of the House, to introduce that Bill, and he should endeavour also to extend it to criminal as well as to civil procedure. There was, however, this essential difference between the Bill which was at present before the other House and that of his hon. Friend; his hon. Friend proposed to enable a person to make a declaration instead of an oath, upon his mere statement that he had conscientious scruples to oath taking. He thought that that might lead to very great abuse, and he must say that his experience had satisfied him that there were many persons who had a sense of the religious sanction of an oath who were not sufficiently alive and sensible to the moral obligations of a declaration. What he (the Attorney General) proposed was, not, as had been before suggested, to make it incumbent upon persons to register their names before the clerk of the peace or other officer as persons who objected to taking oaths. He thought that that was asking too much, because a man might not be aware, perhaps, of the necessity of such a thing, or, through carelessness, he might neglect to do it; yet the time might come when his evidence might be essential, not to himself, but to some other person, and then in the case of omitting to register his name he would be excluded from giving evidence in a Court of Justice. What he proposed, by way of a middle course, and which he thought would operate as a preventive to abuse, while it would afford all the relief necessary, was, that if the Judge, or other minister of the law before whom the person was to give evidence, should be satisfied on inquiry that he really entertained conscientious scruples against taking an oath, and did not simulate an objection which he did not feel, then such person should be allowed to make a declaration instead of an oath. He thought that this would be sufficient to satisfy all reasonable expectations, and he trusted that after this assurance his hon. Friend would not consider it necessary to press his measure.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. HADFIELD said, there seemed to be a perfect agreement in the House that a public necessity did exist for altering the present law. With respect to the proposal of the hon. and learned Attorney General, he would beg to remark that a Judge before whom a witness alleged conscientious scruples against taking an oath was not the proper person to decide whether or no the witness should be permitted to make a declaration, inasmuch as such Judge—and the more so if he were a magistrate in the country—might be swayed by prejudice or caprice to decide against the witness. He thought the witness himself was the party to state the objection which pressed most upon his conscience. What benefit did they expect to derive from the testimony of a man who resorted to thumb-kissing. A man who did that would not hesitate to swear one way or another to suit his own purpose. The scruples against taking oaths were on the increase, and the parties who felt them the most were those who would be most deserving of credit when speaking on their solemn declaration, for, from the very fact of their entertaining those scruples, the obligation to speak the truth would be increased ten-fold on their minds. He thought also that it was desirable, in a public sense, to induce men to be cautious in the matter of taking oaths.

Mr. DRUMMOND said, it appeared to him that the hon. Gentleman who brought forward this Bill, as well as the hon. Gentleman who last addressed the House, had confounded two things between which there was no real connection, namely, the multiplicity of cases of oath-taking, and oath-taking on fit and proper occasions. Both those hon. Gentlemen, however, seemed to agree in thinking that the moment a man said he had got a conscience he might do what he liked. He wanted to know whether conscience was not a common animal property? If the hon. Gentleman (Mr. Pellatt) had any doubt of that, he begged him to look, the first opportunity he had, at a dog who had got a bone in his kitchen, and see if he did not come out with his tail between his legs, perfectly conscious that he expected and deserved to be kicked. But the hon. Member for Sheffield (Mr. Hadfield) had said that he would be more disposed to think a man was telling the truth when he gave evidence upon a declaration than he would when he was upon his oath. He (Mr. Drummond) had never met, and never hoped to meet, with such an instance of morbid consciousness as was implied in that statement; but he knew there were a great many people in the world who thought it very conscientious to lie. Then the hon. Gentleman who brought forward this Motion said oaths belonged to the monarchy, and that when the Long Parliament came we got rid of oaths. Thank God, then, we had got a monarchy again. He was quite surprised to find the hon. Gentleman assuming to be so much more philosophical than the rest of mankind. There were people superstitious enough to think that it was an act of reverence to cross themselves, and perform other kindred ceremonies sometimes; but, said the hon. Member, more enlightened people look to something much higher than that. Did the hon. Member ever happen to read anything relating to the mode of conducting trials in India? Did we not all know that there was almost nothing which could be found to bind the consciences of those Indians, and that they would not hesitate to say anything they pleased, unless we could bind them to speak the truth in one particular form? Then the hon. Member quoted Dr. Arnold, and all sorts of other authorities. Dr. Arnold was certainly a great man, in a certain sense, and a remarkably long-headed one. He had a very excellent heart, which seemed to have kept him right; but the monitorial caning — of which we had an exemplification the other day — was no great proof of his good sense. The great objection, however, was, that we had to deal in all these matters, not with the two philosophers who had brought in this Bill, but with ordinary men; and he was a bad philosopher, or rather no philosopher at all, who thought he could rule the world by philosophy, and not by experience. We knew very well there were men who respected oaths who had no respect for anything else; and we should be parting with one of the safeguards of truth and justice if we were to say that any man might dispense with the taking an oath whenever he took it into his head, and said that he had got a conscience. Therefore persons should no be allowed to ride off on the mere crotchet that they had conscientious scruples to taking just and lawful oaths when necessary.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 37; Noes 136: Majority 99.

Words *added*; Main Question, as amended, put, and *agreed to*; Bill *put off* for six months.

CARLISLE CANONRIES BILL.

Order for Second Reading read.

MR. FERGUSON moved the second reading of this Bill. He said, he could only repeat the arguments that he used on the introduction of the measure, by which it was sought to appropriate the income of one of the four canonries of the Cathedral Church of Carlisle as shall next fall vacant to the augmentation of the ecclesiastical incumbencies of that city. He did not blame the present Dean and Chapter, for they had no power to alter the present system under which the small remuneration of the incumbents was regulated. The object of the Bill was generally approved of by the inhabitants of Carlisle, and was one which commended itself to every friend of the Church.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. GOULBURN, in opposing the Bill, said, that he was surprised that the House had sanctioned the first reading of a measure of this description. If the arguments of the hon. Gentleman were worth anything they were applicable to the system upon which their cathedral establishments generally were conducted and maintained. A Commission had been appointed some time since with the object of reforming these cathedrals, and they recommended that four canonries only should be maintained in each cathedral to ensure its efficiency, and the hon. Gentleman now proposed that of the four canons attached to the Cathedral of Carlisle one should be abolished. The real question, however, for the House to decide was, whether they would reopen this matter, which had been settled by that Commission twelve years ago. The defence of the law, as it stood, was in the hands of the Government and the House of Commons, and he would leave it to them to say whether they would make an alteration in the law, as it had been settled for the purpose of meeting this particular case. He did not think they would sanction this step, and as no other hon. Gentleman might do so, he would move, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. ROBERT PHILLIMORE said, he felt satisfied that the right hon. Member who had last spoken had shown the House sufficient reasons for the rejection of the second reading of the Bill. As he, however, approved of the motive of the hon. Member who had introduced the Bill, he desired to state why, having the same premises, he could not arrive at the same conclusion that the hon. Member had done. If they looked back at the way in which the patronage of the canonries had till within a very recent period been exercised, they could but admit it had been such as had very justly called down on it the animadversion of the country; but they must remember that there was now a Commission instituted for the purpose of examining whether the canonries were worthy of being preserved, what were their functions, and whether they could not be made to bear an important part, as was originally intended, in the education of the people of the country, and until they received the Report of this Commission he thought it was inexpedient to proceed with the present Bill.

MR. T. CHAMBERS said, the arguments in favour of the Bill commended themselves to every one who felt an interest in the Church. Carlisle was divided into four parishes; the cathedral body were the impropriators of the great tithes, which were designed for the spiritual instruction of the people; they appropriated those tithes, while the four incumbents were supported partly by pew rents, and partly by charity. It was possible the Commission now sitting might assign some useful duties to the four canons; but that was a mere speculation; at present they were of little or no use; they received the tithes, while the four clergymen who performed the duties were left in poverty. Nothing could be more practical or better founded than the proposal to apply the income of the canonries as they fell in to the payment of the existing incumbents. For the interest of the population, who would be withdrawn from the Church unless this were done, the House ought to sanction the proposal.

The Marquess of BLANDFORD said, he quite agreed in the importance of the subject, but could not approve of the mode proposed for remedying the inadequate incomes of the clergy of Carlisle. He believed that one of the greatest evils and anomalies of the time, which had tended, more than anything else, to alienate the feelings and affections of the people from the Church Establishment, was that the tithes which had been originally given for the maintenance of benefices had been appropriated to different purposes, and the small residue now given was in many instances so wretched as almost to make one blush for the manner in which the clergy were treated. The proper remedy was an appropriation of surplus cathedral revenues; but this might be effected without resorting to such a violent measure as that proposed. He thought the number of canons at Carlisle ought not to be reduced below four. The revenue of the chapter, if properly administered, would be sufficient for the desired end. His Bill for dealing with capitular property generally would meet the case of Carlisle. Upwards of 15,000*l.* a year was expected to be derived from this property by the Ecclesiastical Commissioners, who had named 4,800*l.* as the sum to be devoted to the support of the chapter, so that when the arrangement was complete, by the falling in of the leases, a sum of upwards of 10,000*l.* a year would be handed over for the general purposes of the Church.

Mr. COWPER said, he would remind the House that the whole question as to the application of these revenues was under consideration by a Commission. Any legislation, therefore, in the case of Carlisle would be an interference with the general arrangement. If a measure of this kind were thought desirable, it ought to be proposed as a Private Bill; and then the inhabitants of Carlisle would have an opportunity of being heard upon it.

Mr. HOWARD said, he thought his hon. Friend the Member for Carlisle (Mr. Ferguson) had brought before the House a great grievance, while the remedy which he proposed was very small and moderate in its nature. He earnestly hoped, therefore, that it would receive the serious consideration of the House.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 79; Noes 87: Majority 8.

Words *added.* Main Question, as amended, put, and *agreed to.* Bill *put off* for six months.

CONVENTUAL AND MONASTIC INSTITUTIONS—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [30th March], "That Mr. Walpole be one other Member of the said Committee," and which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "the further nomination of the said Committee be proceeded with upon this day six months,"—(*Mr. Lucas,*)—instead thereof:—Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. DIGBY SEYMOUR said, he wished very briefly to address the House with the view of suggesting a mode by which the appointment of this Committee might be avoided, and an end put to these discussions, which were attended with so much angry feeling, and could not but be distasteful to many of the Members of that House. The House was aware that by the 56th of *Geo.* III. c. 100, remedy was given in civil cases, similar to that which the Habeas Corpus Act had previously given in criminal matters. By the first section of that Act it was provided that application for a writ of *habeas corpus* might be made "in behalf of or by any person" who was "confined or restrained in his personal liberty," but great doubts had existed as to whether such application might be made by a stranger not being next of kin or a lawfully authorised attorney. In the Habeas Corpus Act passed in the reign of Charles II. words were used authorising application to be made by "any one on behalf of" a person whose freedom was restrained; but in the 56th of *Geo.* III. these words, "by any one on his behalf," were omitted. It was matter of doubt, therefore, whether these words "on behalf of" could be taken to mean a stranger, or one who was not a kinsman or lawfully authorised attorney. He had not, after minute search, found a single case in which the words had been so received; and he had found it decided under the original Act of Charles II. that no one was entitled to take out a *habeas corpus* for a prisoner without his consent. Under the old Act, therefore, an application for *habeas corpus* could not be made on behalf of a prisoner without his consent. In a pamphlet headed *The Nunnery Question*, published, it was understood, under the auspices of the Protestant Alliance, he found it stated that a stranger could not apply for the release of a prisoner without the consent of the person immured. From all these circumstances he was justified in arriving at the conclusion that doubts did exist on the point. He could not part from this pamphlet, however, without adverting to the indications which it gave of the cloven foot of persecution, and of the desire of the party whom it represented to carry matters much further than was generally avowed. In the closing paragraph it was stated that the result of a Committee of Inquiry would be "to secure the enactment of a stronger measure"—meaning thereby a measure stronger than those domiciliary visits which had been proposed to the House. He wished, in passing, to call the attention of the House to this statement, as it evinced a desire to go much further than mere inquiry. The 56th of *Geo.* III. could not be made applicable to persons who, though not restrained as to their personal liberty, were, nevertheless, not in a condition freely to exercise their will; but he held that the common law of England was sufficient to reach all such cases. He would wish to impress upon the House the reasons why he considered that it would be not only inexpedient, but unnecessary, to appoint the Committee upon this Bill. His principal objection to such appointment was founded on the grounds that, while the Statute law was, as he had shown, unequal to cope with the supposed exigency, the common law, as it at present stood, with its powers of *habeas corpus*, was quite sufficient to protect the liberties of the subject, and prevent those gross abuses which, it was suggested to the House, did or might occur. In support of this view he might mention that there were various cases which had been reported of applications for a writ of *habeas corpus* to the Court of Queen's Bench, for the purpose of bringing up the bodies of children or women supposed to have been deprived of their liberty and free action. In a case which was tried in the Court of Queen's Bench, in 1758, a person of the name of Clarke was compelled to produce the body of his daughter on the application of a man, a total stranger to him, who wished to take her away from her home. Again, in 1760, an application was made to the Court by the friends and relatives of Mrs. Frances Savage, a woman addicted to liquor, without her consent, representing that she was in the hands of improper persons, who were anxious to get her to sign away her property by will, and a rule was made upon the defendants to show cause why an information should not be filed against them for the misdemeanor charged against them in the affidavits, and likewise to allow the plaintiffs free and unrestricted access to Mrs. Savage. In the case of Blake, Denman, and others, which occurred in 1763, a writ of *habeas corpus* was issued, on an affidavit which was given without the consent of the person brought up. He might also refer to the case of the Hottentot Venus, in 1810. In that case the application to the Court was made by the secretary of the African Association, who stated in his affidavit that he had reason to believe that the female in question had been brought into this country and exhibited for money against her consent; and upon that statement the Court ordered the woman to be examined touching the condition of her mind. That examination took place, and the woman stated that she came over here and was exhibited of her own free will, upon a contract to receive part of the proceeds. If, then, the common law of England afforded all the relief that was required, and such relief as the Statute law failed to do, and, if the Court of Queen's Bench had the power fully to enforce the remedies which the common law provided, what was the good of coming to that House to seek for what we already had? If the common law had been unable to give relief, or the Court of Queen's Bench had refused to do so, as carrying out the principles of such law, why, then, it would be time to apply to that House for the appointment of a Committee on a measure like the present; but, as the law stood, even the suggestion of such a measure was crude and unnecessary. Let hon. Gentlemen who seemed to have such an appetite for special legislation introduce a Bill delaratory of the common law—that would be to meet the difficulty in a dignified and constitutional manner. He firmly believed that the common law could meet all the difficulties and exigencies of the case; but, supposing even that any alterations were required which a declaratory Act could not satisfy, he considered that that was no reason why we should by our legislation attack any one particular party or sect; but, on the contrary, that we should effect the necessary amendments, if any were necessary, in a spirit of liberality and fairness with the disposition of men, who seek to remove an imperfection in our law not to add fuel to religious contentions—who legislate as reformers, not as bigots. He thought, therefore, that this Committee ought not to be appointed, and he could not see what good it would answer in any way, even if it were countenanced. He objected, also, to the public funds of this country, at such a period, or at any time, being wasted and consumed in carrying out the prejudice or bigotry of any particular party or sect; and this was another ground why he opposed this measure. He objected, in fact, to the appointment of this Committee for three reasons—firstly, because no case had been made out to justify such appointment; secondly, because, even if any case had been made out (which he denied), he could see no good results that would arise out of the inquiry. If we were not to have the power to call the ladies who were principally supposed to be interested in this question before us, how could we arrive at anything like the truth of these matters? And, if we were to have such power given us, and had the bad taste to exert it, the effect of such a proceeding would be, that any lady who was forced to attend would enter the Committee-room as an object of idle curiosity, and leave it a subject of indignant pity—she would enter a spectacle, and leave it a sacrifice—she would enter a witness, and leave it a martyr. The third reason why he opposed the measure was, because he considered the present time to be particularly inopportune for its introduction, and, as he believed that that day week (the Day of Humiliation), when asking for success for our arms and victory in the day of battle, we ought not to let any party feeling mingle with our devotion, so he hoped that we would not now let that illiberality intrude into our legislation which charity had so properly excluded from our prayers.

Mr. HORSMAN said, he rose to make a suggestion to the hon. and learned Member for Hertford (Mr. T. Chambers). They must all feel that this continued discussion was not calculated to raise either the character or the dignity of that House. The hon. and learned Gentleman who had just sat down had treated the matter as a legal question; the House, he was sorry to say, had treated it more as a religious question. He confessed that he thought the first vote of the House was a mistake. If this discussion, which he ventured to say would lead to no result, were to go on from day to day, and from week to week, the hon. and learned Member for Hertford would do nothing towards gaining his object; but they would all feel that the character of the House was very much compromised by the proceeding. He would, therefore, venture to suggest to the hon. and learned Gentleman whether he should not take a little time to consider what course he ought to adopt in present circumstances. He was convinced that, if the hon. and learned Gentleman, to-morrow or next day, came down and told the House that he was not disposed to continue the debate in the irritating form which it had now assumed, he would receive the thanks even of his own supporters, while all would feel that he had exercised a wise discretion.

Mr. NEWDEGATE said, he felt as strongly as any one upon this subject, and considered the question before the House to be simply, whether these particular cases were within the reach of the law of the country, or whether—

And it being a quarter before Six of the clock, Mr. Speaker adjourned the Debate till *To-morrow*, without putting the Question.

The House adjourned at seven minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 4, 1854.

Minutes.] *Sat First in Parliament.*—The Earl Brooke and Earl of Warwick, after the Death of his Father.

Public Bills.—2^a Nuisances Removal and Diseases Prevention Act Further Amendment.

3^a Ministers' Money (Ireland).

BANKRUPTCY AND INSOLVENCY (SCOTLAND) BILL.

Petitions having been *presented*, from

the Convention of the Royal Burghs of Scotland, and from the President and Society of Advocates in Aberdeen,

LORD BROUGHAM took occasion to repeat that no misapprehension could be greater than to suppose that his Bill, which had been referred to the Select Committee, was intended to repeal or abolish the Scotch law of bankruptcy and insolvency, and to substitute the English bankruptcy and insolvency law in its place. Its real object was to give to the Scotch procedure in bankruptcy the benefit of the great improvements in the bankruptcy law which had been effected in this country.

LORD CAMPBELL said, he knew that his noble and learned Friend's Bill had caused great apprehension not only in Edinburgh, but all over Scotland, and it might calm that apprehension if his noble and learned Friend would state to their Lordships whether it was his intention to push his Bill forward during the present Session, or to allow it to stand over till the Commissioners who had been appointed to inquire into the expediency of amalgamating the mercantile laws of the two countries, had made their Report.

LORD BROUGHAM could only reiterate what he had stated when this question was last asked him, namely, that he had taken into his full and anxious deliberation the considerations to which his noble and learned Friend had referred, and that he hoped very early next week to be able to give a definitive answer to this question.

LORD ST. LEONARDS was understood to urge, as a further ground for postponing the Bill, that a Commission had been appointed to inquire into the bankruptcy law of England.

LORD BROUGHAM did not deny that the fact that parts of the bankruptcy law of this country were *sub judice* was an additional reason for not pressing forward this Bill at the present period, and possibly not during the present Session.

THE TICKET-OF-LEAVE SYSTEM.

LORD ST. LEONARDS said, that since he called the attention of their Lordships to the case of the returned convict, Brown, a letter had been published in the *Times* newspaper, which, considering by whom it was signed, deserved, he thought, immediate attention. It was signed by the Rev. T. Sutton, for ten years chaplain of York Castle, who said—

> "If any reliance can be placed upon the statements made to me at various times during my chaplaincy by prisoners, it is true that discharged prisoners are constantly watched by the police, and every impediment thrown in the way of their obtaining employment."

Next came an allegation to which he (Lord St. Leonards) wished to call the particular attention of his noble and learned Friend on the woolsack. Mr. Sutton declared that—

> "In some instances their companions in crime are bribed by the police to decoy them again into the commission of crime, in order that they (the police) may get a job to the York Assizes."

Now, he (Lord St. Leonards) did trust this was not the case; he could hardly believe that it was; but the statement was certainly one which, coming from such a source, deserved inquiry. With regard to what had been said by Brown, it did not appear that much reliance could be placed on his statement; but it was not a question of whether the man in the present instance had acted rightly or wrongly, but as to the system upon which tickets of leave were granted. It was impossible to deny that if a man went home to the scene of his former life upon receiving a ticket of leave, he would be at once known, and the difficulty would be to make people believe he had led an amended life and was effectually reformed, even though he might have behaved well during his imprisonment. The whole subject was as important a one as could well occupy the attention of Parliament; and, with respect to the statement made by Mr. Sutton, he hoped that would receive full investigation.

THE LORD CHANCELLOR said, he had spoken to his noble Friend the Secretary of State for the Home Department on this subject, and found that there would be no difficulty in producing these papers. The statement alleged to have been made by the chaplain of York Castle emanated from a reverend gentleman who must be presumed to have written of facts which had come within his own cognisance, and which were extremely to be deprecated; and proceeding as they did from such an authority, it would be incumbent on the Government to inquire into the truth of the statements. He concurred with the noble and learned Lord that an investigation must be made into the circumstances, and he should take care that an investigation should be instituted.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Thursday, May 4, 1854.

MINUTES.] NEW WRIT.—For Lichfield, *v.* Viscount Anson, now Earl of Lichfield.

PUBLIC BILLS. — 1° Industrial and Provident Societies; Public Statues.

2° Exchequer Bills (£16,024,100); Militia.

CUBAN SLAVE TRADE—QUESTION.

SIR **GEORGE PECHELL** said, he begged to ask the noble Lord (Lord John Russell) if any information had been received that the Government of Spain had issued certain decrees relative to the abolition of the slave trade in the island of Cuba, and to its resolution to enforce the observation of the treaties with this country; and if so, whether the reduction of the number of the cruisers on the coast of Cuba, as appeared by a recent return from the Admiralty, had taken place with reference to those decrees.

LORD **JOHN RUSSELL** said, it was quite true that information had been received that the Government of Spain had passed certain decrees with a view to a strict observance of the treaties with this country in respect to the slave trade. Those decrees were of a very satisfactory nature, and Her Majesty's Government trusted that they would provide to a great extent for the suppression of the slave trade. He might mention one provision of the decrees, which, if duly carried into effect, would operate very much to produce that effect, and that was, a provision for the registration of the slaves now in Cuba. Thus, persons subsequently found in the condition of slavery, and not registered, would be taken to be free, and would be liberated. With respect to the reduction of the number of cruisers, that measure was determined on before the intelligence of the decrees was received in this country, and it was only as a temporary reduction.

TICKET-OF-LEAVE SYSTEM—QUESTION.

MR. **F. SCULLY** said, he wished to call the attention of the hon. Under Secretary of State for the Home Department to the case of George Brown, at Bow Street Police Office, last Thursday. It appeared that that person had been convicted of felony three or four years ago, and sentenced to seven years' transportation. At the expiration of seventeen months' imprisonment at Dartmoor Prison he was liberated on licence and sent back to Edinburgh, and after three months he was convicted of another crime and brought up to Bow Street. In this case a point arose in reference to the conduct of the police towards convicts after their liberation. It was stated by the prisoner that the authorities of Dartmoor Prison sent him back upon licence to the scene of his former disgrace, where he failed to get employment, and that wherever he went he was a marked man, in consequence of the police informing those who employed him of his previous character. The result was, no confidence was placed in him. Since then two letters, one from the chaplain of the City Prison, and another from the chaplain of York Prison, had appeared in the *Times*, both stating that it was the practice of the police to give information to the employers of liberated convicts. He, therefore, wished to ask the hon. Under Secretary for the Home Department, if convicts liberated with licences under the Act 16 & 17 *Vict.* chap. 99, were usually ordered to be discharged in the place where they committed the crimes for which they were convicted; if he was aware that the police were in the habit of informing the employers of such liberated prisoners of their previous character; whether they have any authority for doing so; and if he would lay upon the table of the House copies of the instructions relating to the discharge of convicts with leave of licence, and the rules and regulations of the police force in regard to such prisoners, after their liberation?

MR. **FITZROY** said, in reply to the first question of the hon. Member, he had to state that the option was given to the person discharged under licence, in accordance with the provisions of the Act of last year, to name the place where he wished to go, and where, according to his statement, persons were able and willing to give him employment. Inquiries were then made on the spot as to the correctness of the statement, and, if it were found to be correct, he was permitted to go to the place so named. The circumstances under which the convict on licence went were these:—In the first place the expenses of his carriage were paid, provided that the place selected by him was not further from the prison than the place from which he had been committed; in the next place, some provision was made for his subsistence during the journey, and he was also entitled to the full amount of his earnings received during his time of servitude, for which a post-office order was given him. He likewise received a complete suit of clothes, suitable to the condition of life in which he was to be placed. In the case to which allusion had been made, Brown received for his earnings *5l* 6*s*. 6*d*., and for his railway journey to Edinburgh, where he was conveyed at his own request, *2l*. 3*s*., with a small sum besides to subsist on during his journey. So far from the statement being true, that he made repeated attempts to obtain employment, which had been frustrated by the police hunting him out and giving information to his employers, an account which he (Mr. Fitzroy) should read from the newspaper in which the charge originally appeared, would show the real state of the case. It was founded on further investigation upon the spot, and he could vouch for its truth, having received the substance of the statement from the sheriff, to whom it was furnished by the superintendent of police. After hearing it, the House would be, no doubt, of opinion that, instead of this liberated convict being deserving of sympathy, he had been guilty of a gross imposition—

> "With reference to the paragraph in our supplement (quoted from the *Times*) regarding the case of the returned convict Brown, we have made some inquiry into the facts of the case. The usual practice of the police has always been to give full effect to the wishes and intentions of the authorities by jealously guarding against any interference in respect to parties liberated after imprisonment or under 'leave of licence,' which could prevent possibly their obtaining or continuing in honest employment. As regards the case of George Brown, we find that he was neither seen nor heard of by the police from the time that he was transported in 1850 till he was apprehended in Edinburgh on the 17th of March last, on the information of persons whose property had been stolen here. He was then identified by the criminal officers, and it was ascertained that he had been in Edinburgh about a month, and had committed several thefts within that period. His sister, a respectable woman, with whom he lived during those few weeks, and her neighbours, state, that when he came he had *4l*. or *5l*., received, as they understood, from the authorities, and that he neither sought for nor obtained employment, but was drunk almost every day."

He might add that this man pleaded "Guilty" to four offences, and his own statement to the superintendent of police was, that he never tried to obtain employment, but remained in drunkenness during the whole time after his liberation. With regard to the second question, instructions were issued to the police to regard these men in no other light than other convicts whose term of imprisonment had expired. They were not placed in a superior condition.

Sir JOHN PAKINGTON said, this was not a question as to the character of Brown, but as to the principle on which the Home Office acted in this important matter. He therefore wished to know whether the Home Office, in carrying out this new system, gave any instructions that the men so discharged should be sent to the places where they had before lived, and whether the police were instructed to give information to any person disposed to employ them of their previous habits of life?

Mr. FITZROY said, he regretted if he had not made himself intelligible to the House. There were no special instructions whatever given to the police in respect to their conduct towards these men liberated under licence. They were exactly in the same position as liberated convicts who had completed their term of confinement. No special instructions were given to the police with regard to them. On leaving prison they were asked where they wished to go, and the choice of the place depended on themselves. In the event of the place chosen not being further distant from the prison than the place of conviction, they were sent there, with their railway or other fare paid. They had the option of remaining where they pleased.

THE WAR WITH RUSSIA—THE CORRESPONDENTS OF THE PRESS—QUESTION.

Lord LOVAINE, in rising to put the question which he had intended to have asked, had he caught the Speaker's eye when the right hon. Gentleman the Secretary at War spoke on the same subject, said, it appeared to him rather extraordinary—[*Cries of* "Order!"] Well, without saying more, he would put this question,—whether the steamers taken up for the conveyance of Her Majesty's troops to the East were not engaged exclusively for the accommodation of those troops, thereby precluding any person from being put on board without the authority of the Government, or of some individual to whom the authority of the Government was delegated; and whether the circumstances were known to the Board of Admiralty under which the person who reported to the *Times* newspaper the condition of the troops landed at Gallipoli appeared to have obtained a passage on board such steamers from England to Malta, and from Malta to Gallipoli?

MR. BERNAL OSBORNE: Sir, in reply to the question of the noble Lord, I beg to inform him that the steamers taken up for the conveyance of Her Majesty's troops, having complied with the regulations for taking those troops, the Board of Admiralty do not feel themselves called on, as part of their duty, to inquire whether other persons have been taken. At the same time I beg, for the satisfaction of the noble Lord, to inform him that the Board of Admiralty have no official cognisance of the reporter of the *Times* or of any other newspaper being conveyed in these transports. But as the question is rather lengthy, I have, from a feeling of personal courtesy towards the noble Lord, made inquiries on the subject, and I find that the steamer from England to Malta did not convey this gentleman. Whether the steamer from Malta to Gallipoli did convey this gentleman—who, I am ready to admit from my knowledge, subsequent to the notice of question, would be from his position and education an excellent companion on board ship—I am not in a condition to state; but in consequence of his position, acquirements, and general knowledge, I have no doubt he did get a passage, but who gave it the Board of Admiralty is not aware.

THE WAR WITH RUSSIA—
COALS FOR THE BLACK SEA FLEET—
QUESTION.

MR. EWART said, he begged to inquire of the First Lord of the Admiralty whether any measures had been adopted for ascertaining that coal, for the purposes of the steam navy, could be procured at Ezakli, on the southern coast of the Euxine, between Constantinople and Trebizond.

SIR JAMES GRAHAM said, he could assure his hon. Friend that his early and constant and anxious attention had been directed to the subject of providing the necessary supply of coals for the fleet employed in the Black Sea; for, as the House was aware, for the purpose of conducting naval warfare, coals were hardly less essential than gunpowder; and the price of coal in the sea of Marmora was enormous. It appeared that at Ezakli, in the vicinity of the Black Sea—most fortunately for the supply of our fleets and for the cause of Turkish independence—valuable and excellent coal had been found to exist. Sir Edward Boxer had been sent to reside at Constantinople, and was performing the duties of port admiral, and had received instructions, in conjunction with the head of the Turkish Government and the Commissariat, to take the necessary steps for commencing the immediate working of the coal. The House might be assured that neither capital nor skill would be wanting in the prosecution of that work, and he had every reason to believe that for the purposes both of the English and French fleets, an ample supply of coal would be obtained.

TRANSPORT OF HORSES TO TURKEY—QUESTION.

SIR JOHN WALSH said, he wished to ask the right hon. Baronet the First Lord of the Admiralty for an explanation of the statement made by the right hon. Gentleman on a former evening in answer to a question put by him. The right hon. Gentleman, on that occasion, stated that 2,259 horses had been sent to Turkey. There had been some misapprehension as to the real import of the communication made by the right hon. Gentleman on that occasion to the House. He now begged to ask whether the right hon. Gentleman meant to say that 2,259 horses had arrived in Turkey, or whether they had only been embarked in sailing vessels to Turkey from different ports in this country? He also begged to ask, supposing the horses had not arrived in Turkey, whether the right hon. Gentleman could inform the House at what time it was likely they would arrive there?

SIR JAMES GRAHAM: Sir, I have only to say, in answer to the question put to me by the hon. Baronet, that my statement was, at the time I made it, that 2,259 horses had been embarked, and had been sent from this country on their way to Turkey at different periods of time. I have this day received a communication from Lord Raglan, dated Malta, stating that the first portion of the horse transports had arrived at Malta during the day on which he wrote his communication, and that the arrangements on board the transports had been such that, although the passage was long and the wind not favourable, yet not one single horse had been lost. The first division of transports, therefore, had arrived at Malta, and, at the suggestion of Lord Raglan, who was then at Malta, the wind having become favourable, they were immediately expedited to Turkey by steamers, which were there ready to take them in tow, and I hope that a large number are now on their way to Constantinople, and, I believe, with a fair prospect of their soon arriving there. As the House may feel some anxiety upon the subject, I think I may state that the large steamer, the *Himalaya*, has been taken up to-day for the conveyance of horses to Turkey, and that it has been determined to send, by way of experiment, 500 horses by that vessel. It had been apprehended that some inconvenience might have arisen in consequence of the lowness of the decks, some of them being only 7 feet 6 inches high, but, after consulting the most competent authorities, it was thought on the whole expedient to send the horses, and I hope and believe that they will be conveyed to their destination with a speed heretofore unexampled.

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—Debate arising; Motion made, and Question put, "That the Debate be now adjourned:"—The House *divided;* Ayes 40, Noes 261; Majority 221.

MR. EVELYN DENISON said, that he should take that opportunity of bringing under the notice of the House and of his right hon. Friend the President of the Board of Trade one or two considerations which he thought of some importance. It was not his purpose to object to the principle of this Bill, but he wished to invite the attention of the Government to the state of railway legislation generally at the present moment, and to the position in which the Committees of that House would have to stand to the House itself. The House would remember that last year some Bills of unusual importance had been introduced, which contained proposals for the amalgamation of very large railway companies. The House, however, considered that question to be so important, that they decided that it was impossible to submit it to Committees on mere separate and individual groups of railways, whose decisions might be of a conflicting character, and that it was a point upon which the opinion of the House itself ought to be taken and given to the public. A Committee was therefore appointed for the purpose, and by them the question of railway amalgamation had been considered throughout the remainder of last Session. A great deal of evidence had been taken, and a Report had been made to the House by the President of the Board of Trade. In the first Bill which his right hon. Friend the President of the Board of Trade had introduced to the House, he had proposed to deal with that question of amalgamation. In the present Bill, however, all mention of amalgamation was withdrawn, so that, in the event of any two great companies proposing a measure of amalgamation in the next Session, the House would be in this very peculiar and anomalous position—that it had declared that such a question ought not to be decided by private and separate groups, while at the same time it had not undertaken to express any opinion upon it itself. That was, according to his view, one very important omission in the present Bill; but there were other great questions of principle to which a corresponding remark would apply—such, for example, as the question of running clauses, the width of gauge, and other matters—which ought to have been disposed of in some manner by that House. Almost all the railway companies had appeared before the Committee which had sat last Session, and he must say, in justice to those companies, that they had appeared before it in a spirit of great candour and fairness. In general terms the railway companies had said, "The legislation of the House up to this time has been various, contradictory, and, in many respects, highly injurious to the railway interest. We are perfectly prepared to concede to the Government considerable powers of control, if, upon the other hand, the Government will grant to us some protection for our property already existing, and some guarantee for improved legislation for the future." This appeared to him to have been a reasonable request on the part of the railway companies; and he believed, if that opportunity had been taken to accede to their proposition, that no very great difficulty would have existed in making the necessary arrangements. Instead of that, however, the Government had taken a certain degree of control over the railways, but he could not say that they had given what had been asked in return—a fair share of improved legislation. The improved legislation proposed, consisted of the appointment of a Committee of forty members, the chairman of whom was always to be the Chairman of Ways and Means;- and this was done, this extra amount of business was thrown upon the Chairman of Ways and Means, at the moment when an hon. Gentleman had just retired from that office on account of its too laborious nature. It had been found necessary to rescind the Standing Order upon the subject; and that very day it had been discovered that the number of forty was too small for the purpose of the Committee, and it was proposed that sixteen new Members should be added to it, having, of course, taken no part in the early discussions on the matter, and knowing nothing of the principles which had been laid down by the Committee in their previous sittings. And this was offered to the railway community as an improved system of legislation, which was to be some return to them for the restrictions which it was proposed to place upon them! The good management of railways, their fair and reasonable success, was a matter of interest to all parties—equally to those who travelled by railways as to those who had shares in them. He had a few shares in one railway, but he generally travelled by a line which competed with it, and he felt a greater interest in the railway to which he trusted his neck than in that to which he trusted his money. He would not now enter into the principle of the present Bill, which was indeed narrowed down to nothing, and from which several of the great points to which he had referred were excluded; but he would invite the President of the Board of Trade to state the course he proposed to pursue with regard to future railway legislation—a subject of extreme importance to the whole country. Matters had now reached such a shape that it was impossible not to see that the present Bill would satisfy neither the requirements of the railway companies nor of the public. He thought it right to make these observations before his right hon. Friend the President of the Board of Trade made his statement, and he would take the liberty of asking the noble Lord, the leader of the House, whether he did not think that railway legislation had become so involved and so difficult that it demanded the early attention of Her Majesty's Government.

Mr. HUME said, he was one of those who joined the right hon. Gentleman the President of the Board of Trade in stopping the proposal of amalgamation, and in appointing the Committee to frame one general law. His desire was not to interfere with private property, but to secure to the public, with regard to railways, that protection both to person and property to which they were justly entitled. When a railway company offered an obstruction to traffic, this Bill provided an appeal to a court of law. Why, they had that before. The public had for years been prevented from using the Dundee, Arbroath, and Montrose Railway as a direct route, and they were obliged, by a combination of the companies, to go twenty or thirty miles round, and they had no redress. He thought the control ought to be in the Board of Trade. This Bill consisted of five clauses. The first was an interpretation clause. The second said that facilities should be given by the different companies for the conveyance of passengers and goods from place to place. That was perfectly right; but then the third clause, which was to provide for carrying out the second, would be found ineffective, for it provided that they should go to the courts at Westminster; or if in Scotland, to the Court of Session; but what individual would enter on such a contest with a great railway company, say the Great Northern, or the London and North Western? The next clause was most objectionable. He was on the Committee that considered what regulations should be adopted with regard to railways, and they laid on the table of the House regulations which, if they had been carried out, would, he believed, have saved 200,000,000*l.* of capital. A department of the Government was appointed—the railway department—which was continued for a certain time, and was then amalgamated with the Board of Trade. Well, now, instead of that body being appointed under this Bill, it having had experience for ten years, to frame the regulations, would the House believe that the clause provided that nine Judges should frame the regulations! What could these learned Judges be supposed to know of railway matters, and why were they not left to the staff attached to the Board of Trade, that had for so many years attended to them? On this ground he objected to the present Bill, and he desired that the former clauses which had been struck out of the Bill should be restored, and, without further legislation on this subject, he should feel satisfied to leave the matter in the hands of the Board of Trade.

MR. TATTON EGERTON said, that he generally approved the provisions of the original Bill. The quarrels of the railway companies had been going on for some years, a great inconvenience had been suffered, and a large amount of money spent, and all at the public expense; and it was hoped that means would have been provided which would have prevented the recurrence of such a state of things, but he was afraid that all who had entertained such hopes would be disappointed by the present Bill. There were three great points in which this Bill differed from the original one—by the latter, power was given to the Board of Trade to act on the complaints of parties. [Mr. CARDWELL: "No, no!"] He understood that by the 8th clause of the original Bill such a power was intended to be given to the Board of Trade. The present Bill did not, like the former one, give the Board of Trade the power of altering or of making a discriminating rate of tolls; and thirdly, by the former Bill the Board of Trade could call upon the companies to make proper arrangements for the forwarding of persons and goods. This was a most material point; and there was no one who travelled but was aware of the inconvenience passengers were put to on arriving at a hostile railway terminus, by finding the train they should have proceeded by had started five minutes before their arrival. He had a practical illustration of it himself the other day, when he was obliged to post five or six miles from Stamford, in order to catch one of the Great Northern trains; and these things were of everyday occurrence. The companies said that Parliament was interfering with them, but what was the object of the companies? Did not each preamble of a Bill state that the railway was to be a great public advantage? Great allowances and advantages had been granted to the railway companies, and he thought the public were entitled to all due consideration at their hands. He trusted the statement of his right hon. Friend the President of the Board of Trade would tend to obviate the difficulties to which he had alluded, otherwise he should venture in Committee to move Amendments to the Bill, with a view of remedying that of which he had complained.

MR. MANGLES said, he wished before the right hon. Gentleman the President of the Board of Trade made his statement to the House to offer a few observations in reply to the remaks which had fallen from some of the previous speakers. An opinion prevailed, both in and out of that House, that great advantages had been given to the railway companies in which the public had not adequately participated. Now, the fact was, that the railway shareholders had themselves been the main sufferers, and that the public, on the other hand, had derived more benefits from the railway system than the people of any other country in the civilised world. The demand now made upon the Railway Companies, was not reasonable in the very nature of things. It would be recollected that, so long ago as 1845, those Gentlemen who in that House and in the country took an active interest in railway matters, declared their opinion that the principle of competition was not applicable to railways, and that, if it were acted upon, it would be ruinous to the parties engaged in those enterprises, while it would not eventually be so beneficial to the public as was supposed. It would also be recollected that Lord Dalhousie, who was then at the head of the Board of Trade, proposed a scheme by which the country was partitioned out among the great companies, and that the House, acting under the advice of the late Sir Robert Peel, deliberately rejected that plan, and resolved that the principle of competition should be adopted, and that the railways should be permitted, and even excited, to act upon that principle. The country, therefore, had all along enjoyed the advantages of competition in railways, and what he ventured to say was, that the public at all events had no reason to complain of the result. But a demand was now made to have the system of regulation and control superadded to that of competition. The former system had been in full operation in a neighbouring country for years, and what had been the consequence? While in France even the great arterial lines had not been formed—while a traveller could not go on a continuous railroad from Paris to Marseilles, or from Paris to Bordeaux—while there was not an unbroken line of communication between the Atlantic and the Mediterranean—in England, where the opposite system of competition had been acted upon, there was not a single town of any note in the kingdom which was not approachable by railway, while all the principal towns had two or three separate means of communication with the metropolis; and in every part of the country the great necessaries of life had been considerably reduced in price in consequence of the introduction of the railway system. The country having thus reaped the benefit of the principle of competition, it was not fair to come forward now and complain of the natural results of that principle, and to demand that the principle of regulation and control should be added to it. He admitted that railways should be regulated in a reasonable manner; but at the same time he thought there was something extremely unreasonable in the complaints which were now made. It was not possible in the nature of things that the railways of England, conducted on the principle of competition, could be managed in the same way as the railways in France, where large tracts of the country were allotted to different companies, and where the Government exercised a constant and vigilant supervision. If we decided that two lines should run from London to York, we could not expect the same results, in the way of regulation and control, as if there was only one railway. We could not, at one and the same time, have the full advantages of competition and the full advantages of regulation. But, as he had already stated, the public had no reason to complain of the principle of competition, from which they had derived great benefits. Here was an instance taken from the report of the general manager of the cattle traffic on the London and North-Western Railway for 1853—

> "This shows the result of the competition of the companies upon the business of the district, which may be thus summed up:—In 1849, for the conveyance of 140,000 animals, the company received 8,880*l.* In 1852, for 172,900 animals, only 6,670*l.*, showing an increase of 32,900 animals, and a decrease on the receipts of 2,200*l.* In 1853, for the conveyance of 205,000 animals, the receipts amounted to 8,896*l.*, being an increase over the first-mentioned year of 74,000 animals, and only 13*l.* in the receipts."

This was a statement well worthy of the attention of the House. On the other hand, what advantages had the railway companies—those great offenders who were spoken of as if they were the enemies of the public—derived from the principle of competition? Why, with the exception of one or two companies, the average return derived from railway property was not, he believed, so much as 3½ per cent, and he believed that the Lancaster and Carlisle was almost the only railway company which at the present moment gave its shareholders more than 5 per cent. It might be said that the companies had no right to fight with each other, and to squander away their capital in lawsuits, and that they had themselves to blame for what had occurred. But what had that House done? It had laid down the principle that the companies should compete with each other, and then, when they had done so, at great cost to themselves, it turned round upon them and said that their losses were entirely their own fault, and that they ought not to have spent their money in the way they had done. As if that were not enough, it was now proposed to superadd to competition the principle of regulation and control—a principle which might do very well in a country like France, where competition was almost unknown, but which could never succeed in England so long as the present system was allowed to continue. Put the railway companies in the position in which they stood in 1845—do away with the principle of competition—and then the House might regulate them as it pleased. Regulation and control would probably make the railways of England as valuable as those of France. In that country there was not a railway which did not at the present moment pay 10 per cent. A reference had been made to the low fares on the French lines, and to the advantages accruing to the public therefrom; but it seemed to be forgotten that the Government had paid large sums to the railway companies, which were taken from the public in the shape of taxes. He believed that no less a sum than between 4,000,000*l.* and 5,000,000*l.* had been advanced by the Government to the Paris and Strasburg Railway Company alone, and for that vast sum of money not one farthing of interest was received. He trusted the House would not countenance the proposal which had been made to hand over the railways to the tender mercies of the Board of Trade, no matter how excellent its staff of officers might be, but would listen to the fair and reasonable representations of the companies, who had a decided preference to have their property adjudicated upon by the Judges of the land, rather than by any Government department whatever. He believed that great misapprehension existed as to the relative position of the public and the railway companies. He thought it was beyond doubt that in no country in the world had the people derived such advantages from the railway system as they had done in England; and it was an indisputable fact that in no other country had the enormous capital laid out upon railway property yielded so small a return to its owners.

Mr. WILKINSON said, he thought that the reason why railway property had been so unprofitable was, not because the companies had been obliged to compete with each other, but because they had struggled to maintain a monopoly which the system of competition was intended to check. If they had not spent such vast sums of money in endeavouring to ward off the competition of rival lines, and in fighting against each other in Parliament, he believed they would have reaped those benefits which railways had produced in other countries. The last speaker had endeavoured to show that the country must be satisfied either with regulation and control or with competition. But regulation was not inconsistent with competition, and there was no good reason why the public should not have the benefit of both. He confessed, for his own part, that he would have been better satisfied with the former Bill; but at the same time, with the exception of the points which had been referred to by the hon. Member for Malton (Mr. E. Denison); he thought the clauses as they now stood remedied many of the grievances of which the public complained. He believed that they gave private individuals the power of applying to the Board of Trade; and although he had been requested by some of his constituents to oppose the Bill, he would give it his cordial support, convinced that it could not fail to promote the interests of the public as well as those of the railway companies themselves.

Mr. HENLEY said, it appeared to him that the object of the Bill was to afford what the right hon. Gentleman termed "reasonable" facilities to the public to obtain a redress of railway grievances by appealing to a court of law. But when he came to consider its provisions, his firm belief was that the result of this measure would be that if any unfortunate man was weak enough to believe that this Act of Parliament had done something for him, and in consequence he would be induced to rush into a court of law against a great railway company, he would find himself, after a protracted struggle, in this position, that he had got nothing, and that he had to pay the costs of the suit. He believed that the subject was beset with great difficulties, and that it was impossible for legislation to do much. No doubt in gross cases, where the Lord Advocate in Scotland, or the Attorney General in England, was set in motion by the public, a conviction would ensue, but it was not clear to him that a conviction might not be obtained without the help of this Bill, because the court would be guided by the provisions of the original Acts of Parliament. Whether relief would be obtained by this measure was very problematical, but he had no doubt he could find many hon. Gentlemen in that House who would undertake to drive a coach and six through it. Then with regard to penalties, the wording of the Bill appeared very obscure to him. It appeared to him rather extraordinary that the Board of Trade was the party that was to be satisfied whether and to what extent an injunction or interdict had been obeyed by any company. This made it the duty of the Board of Trade to ascertain the amount of malfeasance committed, and he must say he thought the provision a somewhat extraordinary one. He willingly admitted that railways were one of the greatest blessings that had ever been conferred on the country, and so far from blaming Sir Robert Peel, he thought he deserved great credit for having stimulated and spurred them on. Now that the country was covered with a network of railways, it was lamentable that they did not get the amount of accommodation they required. He did not believe the public stood in a more or less advantageous position by the introduction of this measure, and he regretted to observe that some provisions were not made in the Bill for the settlement of disputes by arbitration.

Mr. V. SCULLY said, as one of the general public, he had heard no objection stated against this Bill further than it did not remedy every possible existing abuse or grievance. He had heard nothing to show that so far as it went it was not a boon and a benefit to the public. The principal object of the Bill was simply to facilitate arrangements of one company with another, and that circumstance appeared to him to dispose of a great deal of the criticism he had heard upon the measure that night. He considered that such a Bill was peculiarly needed in Ireland, where the companies seemed to do as much to inconvenience each other as they possibly could. The communication between Dublin and London seemed to be getting worse every year. Now it took five hours to cross from Holyhead, whereas he had made the trip years ago in three and a half. Perhaps the Board of Trade would form a better tribunal than the Judges of the land, but upon the whole it was a good Bill. No doubt it might be susceptible of improvement, but to introduce any alterations, it would be necessary to go into Committee, and he should, therefore, vote for Mr. Speaker's leaving the Chair.

Mr. JAMES MACGREGOR said, that the hon. Member for Lambeth (Mr. Wilkinson), when speaking on this question, although sensitively alive to the interest of the public, seemed entirely to forget the many and the great losses which railway proprietors had suffered, and the risks to which they were subject. The proprietors of railways had received less benefit than any other class by that enterprise which they had exhibited, and they might be deemed a most depressed interest. They had met with the most fearful losses, and many of them had been utterly ruined—a result which in a great degree was to be ascribed to the action of Parliament. In 1844, a Bill was passed, which enacted that when any railway company paid a dividend of more than ten per cent, the property of that company might be purchased by the Government, and taken from the proprietors. Such a measure tended to delude the public, for it gave them an impression that railway property was secure, and that good dividends were to be derived from it, and that persons might with safety invest in it. And then came the measure of Lord Dalhousie, based upon the principle of competition, which had thrown railway property into a state of depression which it was impossible to appreciate, except from personal experience. The losses which railway proprietors had sustained were immense and scarcely to be calculated. The estimates for the construction of railways were found often totally inadequate—1,500,000*l.* voted, and 4,000,000*l.* or 5,000,000*l.* expended on a single line. An hon. Member had alluded to the great increase of railways, but he might also have alluded to the immense expenditure of capital which had gone on for the public advantage, with an entire uncertainty whether the proprietors of railways would derive any benefit from the outlay. The railway companies really might appear *in formâ pauperis.* They were a depressed and distressed interest; and it would be well for Parliament to beware lest by new legislation they made bad worse. Railway property was at present divided into a great multitude of interests; and in the midst of all this entanglement the right hon. Gentleman the President of the Board of Trade proposed to legislate for it as if it were one continuous whole—one entire system. It would have been better to adopt means by which the difficulties of railway property might be removed, which could only be by the principle of amalgamation. It was fallacious to deal with railways as with one uniform interest, whereas it was the reverse. The right hon. Gentleman would take from the proprietors whatever advantage they might derive from the principle of competition, and secure them no equivalent in return. Justice to the 100,000 persons who had invested their property in railways would dictate a different course; and a capital of 300,000,000*l.* invested in great undertakings, from which the public had derived the greatest advantage, ought not to be left in a state of uncertainty as to its privileges and its rights. Under the system of legislation pursued by that House, the value of this property must depend upon accident. If the system were to continue and if money were to fall, as it had before, to a low rate of interest—two or two and a-half per cent—for any long time, railways would be so multiplied that the present railway property would be destroyed. He considered that the result of the evidence adduced before the Committee of last year was different from that at which the Committee had arrived, and that amalgamation was recommended by the principal witnesses examined. Those persons who had most reason to be careful of the interest and acquainted with the operation of the railway system had strongly recommended the adoption of amalgamation wherever it could be judiciously effected; but, instead of attending to such recommendation from authorities so capable and experienced, the Committee turned a deaf ear to it; whereas, if they had only given it the attention and encouragement it deserved, the whole railway interest of England might now have been united, and then this Bill or a similar one might have been brought in, and might have effected some good. In all these matters the railway proprietors should be thought of as well as the public; and, although it might sound very well to talk of one continuous line being carried out, yet, even in the consideration of so great a boon as this was said to be, the interest of those who had expended so much of their capital, incurred such losses, and were subject to such risks, should not be hastily or intemperately disposed of. The powers of the present Bill were potent enough; as, for instance, the power of arbitratory arrangements between the companies, which would have been just if the companies had formed one system, instead of being split up into sections. As it was, the Bill would be of no benefit to the proprietors. Yet they had met the Government in the fairest spirit, and with the greatest desire to assist the right hon. Gentleman (Mr. Cardwell) in his railway legislation. He implored the House to consider of some measure by which the present conflicting state of things could be put an end to; that those who had capital embarked in railways might know how far it would be depreciated, and what dividends they might expect; instead of which, as matters now stood, he knew instances in which it was uncertain whether present dividends might not be diminished to the extent of one-half. When the question was dealt with in this spirit it would be dealt with fairly; but until it was so he should consider legislation such as was now proposed one-sided and unjust, entirely for the benefit of the public, and not at all for the shareholders in railway companies. He should approve generally of the Bill if it had introduced the principle of amalgamation, but as it had not done so, it would be no bar to a complete destruction of railway property, and the right hon. Gentleman in doing everything for the public would have done nothing for the companies.

MR. BENTINCK said, he only desired to draw attention to one omission in the measure, the absence of the additional provisions for redress of injuries arising from railway accidents, to which he had called the attention of the Government in the early part of the session. The right hon. Gentleman had then promised that a measure for that object would be introduced.

MR. CARDWELL: A separate measure is intended to be introduced.

MR. BENTINCK: This session?

MR. CARDWELL: Yes.

MR. BENTINCK then had nothing more to say at the present stage of the Bill.

MR. ATHERTON said, it appeared to him that while no constitutional principle was violated by this Bill, no private rights invaded, and no injury was done to railway property, the public would be greatly benefited by it, whether as travellers or in sending goods. He thought justice had hardly been done to his right hon. Friend (Mr. Cardwell), in dwelling upon the assumed short-comings of his measure. To understand it aright, it was necessary to inquire what was the present state of the law with regard to these subjects. Nothing could be more unfair than the operation of the present laws with respect to railways and their government; and it was an admitted fact, that railway companies could, if they pleased, so conduct their business, and still be within the letter of their Act, that they could give to the public the very minimum of the advantages under their Act, and take to themselves the maximum of such advantages. Suppose an individual were to suffer the very common annoyance which the hon. Member for North Cheshire (Mr. T. Egerton) had described, he would have no remedy at all, not even the miserable one of an action for damages. But this Bill for the first time provided a remedy; for suppose an individual to be detained by the wilful negligence of a company, he would be able to have a summary proceeding without action or pleading. Suppose he were not in London, he would be entitled to make affidavit, which would be laid before a judge at chambers, or in court, and if the facts were incontrovertible, as in most cases they were, the judge would have power, not only to award compensation for the injury sustained, but he would have the still more important power of making regulations and injunctions which would prevent such a case from again occurring, except under penalties which no one in his senses would incur. So with regard to an individual having received an injury, he would have the same cheap remedy, and the judge would have power to issue regulations to prevent such injuries in future. The Bill further gave power to the judges, if they thought fit, to take the advice and assistance of engineers, barristers, or such other persons as they might find necessary to assist them. He certainly had objections to the Bill as it originally stood, which entrusted these large powers to the Board of Trade; but those objections were obviated, when he found them entrusted to the judges of the land. He had said enough, he thought, to show that this Bill was a step in the right direction—that it would provide an easy, simple, and economical means of redress—and that it would be no bar to further legislation, if it should be deemed necessary; and as such he gave it his hearty support.

Mr. WHITESIDE said, it was rather curious that hon. Gentlemen opposite, who so often advocated the principle that self-interest was the most certain and efficient mode of regulating human action, should imagine that railway companies would act systematically so much against their interests as to be continually neglecting the interest of the public. Assuming, however, that this was the case, surely the reasonable course to pursue would be to provide a remedy for them. The hon. and learned Member who had spoken last appeared quite enamoured of the Bill, which he said, would provide an easy, simple, and economical means of redress. Now, he (Mr. Whiteside) defied the Board of Trade to devise a system more favourable to litigation and the legal profession. Not only on the complaint of any party aggrieved, but on the certificate of the Board of Trade to the Attorney General, there might be an application to a single judge, who was to exercise the powers conferred by this measure, without provision for any appeal, and who might by injunction destroy the rights of railway companies, without any means of revising and reversing his decision. If the judge thought fit, and he would be sure to do so, he might depute it to some other persons, to save him the trouble of forming an opinion, and to arrive at a decision which he could not arrive at himself. The judge might refer it to engineers or lawyers to prosecute any inquiries he might think proper—it was a cheap, easy, simple, and speedy procedure. Then the judge might issue his injunction, or direct damages to be paid, either to the party complaining, which would be rational, or to the Crown, which would be irrational, and all this "without prejudice to any other proceeding in any court of law," a provision for which, he was certain, the lawyers would be grateful. The judges would doubtless also be grateful for the duty which was delegated to them of framing rules by which to work this novel and questionable measure. This was what the right hon. Gentleman the President of the Board of Trade called the least costly and most efficient mode of enforcing the provisions of the Bill that could be devised.

Mr. CARDWELL said, that, after what had fallen from various hon. Members in the course of the debate, and especially from the hon. and learned Gentleman who had just sat down, the House must readily agree with him, that whoever undertook to try to settle the claims of the general public against the railway companies, with proper respect to the interest of a body of persons who had invested large capital in public works, in many cases without obtaining a very adequate return, and to do justice to all parties, amid the complicated and not very consistent legislation of the last twenty years, would find that he had undertaken a very difficult task. The question was, whether those who had undertaken the task had addressed themselves to it in a painstaking spirit, and with an anxious desire to unravel its difficulties and find a remedy for them. So far as the Committee of last year was concerned, he could appeal with confidence to the evidence taken before it, and the Report it had made, for an answer. Some surprise had been expressed by his hon. Friend the Member for Malton (Mr. Evelyn Denison) that several of the principal matters referred to that Committee had not been touched on by this Bill. His answer to this was, that this Bill professed to furnish a remedy for one part—and a great part—of those matters. Other parts had been dealt with already by Standing Orders, and by changes in the mode of procedure with regard to private Bills. His hon. Friend had also asked, why the question of amalgamation had not been dealt with? So far as this Bill was concerned, he (Mr. Cardwell) had been perfectly ready to deal with that subject, and, as the Bill was originally drawn, clauses had been inserted for the purpose of enabling the Board of Trade to deal from time to time with the questions of working arrangements as they should arise, and so to save companies the trouble and expense of continual applications for, and contests upon, private Bills. But the subject was one which could only be dealt with in that way, or by such applications continuing to be made. It could not be settled once for all in any public Act. Nothing could be accomplished with regard to it in that way, and, even if they were to pass a law on the subject, the first private Bill which was passed by a Committee dissenting from such an Act, would repeal it altogether. They had, however, dealt with it by Resolutions, which he thought was the most efficient mode. So, too, with regard to running powers. He did not propose to enact by this Bill that running powers were never to be granted, because the first

Committee which passed a Bill with a clause in it giving running powers over any line would repeal such an enactment, and, therefore, it was thought better also to deal with that subject by Resolutions. Further than this they had no power or no claim to go. Then his hon. Friend said, you have provided no improved system of legislation for the future. Now, how was it possible, by Act of Parliament, to provide for the future legislation of that House upon private Bills? But they had laid down the principle on which Parliamentary legislation ought to proceed, and they had proposed certain alterations in the composition of committees, for the purpose of obtaining unity and regularity in their Reports. His hon. Friend was not so sanguine of the result as he was, but his (Mr. Cardwell's) belief was, that with the intercommunication that would go on among the Members of Railway Committees, particularly of Chairmen, there would be an important tendency to preserve unity and consistency of regulation which did not take place under the former system. He had no wish to claim for these Resolutions any particular amount of ingenuity or any other virtue; the Committee had dealt with the subjects referred to them to the best of their ability, and it seemed impossible to embody their recommendations in any other form. On the question of the principle of the Bill, he believed he now met with the same degree of encouragement which every one of his predecessors who had dealt with this subject had encountered—that was to say, the attacks upon it had come from all quarters of the heavens, and the most opposite views were taken of it. Some hon. Gentlemen looked on it as a Bill for the public, doing nothing for the railway companies; others, again, said it was all for the railway interest, and did nothing for the public. Perhaps the best way of answering all these various attacks would be simply to state what the Bill really was, as it stood at present. The first clause of the Bill, then, did two things,—first, it enacted, in language which he believed to be clear and legal, a definition of what were the duties which companies owed to the public in respect of the services to be rendered upon their own lines. With regard to this part of the clause, the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had spoken of the use made in it of the word "reasonable," the value of which he appeared either to doubt or to misapply. Now, the object of this part of the Bill was to apply the old law of common carriers, as it used to be upon the old roads, to the altered state of things upon the railways of the country. That law imposed a peremptory obligation on the common carrier, and the word "reasonable" was the legal word always adopted to define the measure of obligation. The word, he believed, was to be found in the law books of the country from the earliest period of black letter. The second part of the clause was a statutory obligation upon the railway companies not merely to adjust their traffic with regard to the convenience of the public, but also—and this, it must be remarked, was an obligation entirely new, and now for the first time imposed—reciprocally and mutually to consult each other, in order that their arrangements should be so made that the public might have the benefit of one continuous and corresponding system of railways, and might pass from one line to another with as much ease and convenience as along each separate railway. And here he must remark, that he was greatly surprised to hear any one, and especially one of the sagacity of the right hon. Gentleman the Member for Oxfordshire, express an opinion that a statutory enactment such as this was a matter of light importance in the railway legislation of this country. The next question was how these statutory enactments were to be enforced; and on this part of the subject two opinions had been stated. There were those of high authority who thought that there ought to be a responsible department of the Executive Government, somewhat in the form of a Board of Control, to regulate these matters on behalf of the public; others, again, thinking that public facilities of this kind would involve many conditions likely to affect the financial position and prospects of the railway companies, were of opinion that it would be unconstitutional to hand over questions involving such points to the arbitrary decision of a public department. This was a subject which deserved to be well weighed and considered, and accordingly it had been well weighed and considered by the Select Committee, and this was the opinion which they had given with respect to it. In their Report, they said—

"Since, however, this control, when actually applied, must be arbitrary in its nature and free from all technical fetters, and since the exercise of it will always affect the pecuniary interest of the company against which it is directed, your Committee feel that the occasion on which it should be exerted must be carefully defined. The constitution of the Executive Government, affording no means of inquiry in presence of the board and the public, is unfavourable for the determination of such questions, and your Committee recommend that the fact of wrong having been done by the company should first be substantiated before a public tribunal, and the aid of the Executive Government be afforded to the tribunal in framing its decisions with a view to their practical effect. This course of proceeding will be the more convenient inasmuch as the process of the Court will in any case be requisite to enforce any decision at which a department of the Government might arrive."

In the Bill, as at first drawn, and as it now stood, there was no attempt to run counter to this declaration; there was no proposal to place any company, against which no legal act of wrongdoing had been legally established, at the disposal of a department of the Executive Government. What was proposed was, that when it had been declared by statutory enactment that certain facilities should be afforded, and when it had been shown by full and legal investigation that a particular railway company had failed to supply those facilities, then the Executive Government should give its assistance to the appointed tribunal in remedying the mischief done. The companies considered the Bill as it stood with that proposition embodied in it, and in an interview which he had with the hon. Member for the West Riding of Yorkshire (Mr. Beckett Denison) and other gentlemen representing the great railway companies, they said:—"We are ready to concur with you in endeavouring to secure to the public all reasonable facilities, not only upon the separate lines, but all reasonable intercommunication between the whole system, so as to remove all obstructions, and to increase the public accommodation." But they added:—"We prefer that you should alter your machinery, that the application should be first to a court of law, and that the tribunal should have power to refer the matter to competent persons; and then, upon finding that the company has actually been doing wrong by the public, we will facilitate your obtaining salutary and stringent remedies to enforce the public rights." It appeared to him that he would have been acting most unreasonably if he had abstained from considering a proposal emanating from such a quarter. He had considered it, and he had felt that the public object which he had in view would be as effectually contained in the Bill, and as distinctly enacted in the mode in which the companies had expressed their willingness to receive it, as in any other form of language. The hon. and learned Member for Enniskillen (Mr. Whiteside) said with regard to the remedy that it was one for which lawyers ought to be obliged to him. He held a different opinion. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had asked him why he had not inserted something in the Bill with regard to amicable and voluntary arbitration. His answer to that was, that so far as voluntary arbitration was concerned no enactment was necessary. The Board of Trade was in the almost daily habit of forwarding to different railway companies complaints made with respect to their arrangements, accompanied by recommendations relating to them; but every one in that House, or at least every one who had been connected with the Government, must know from experience that these voluntary arbitrations were of no effect when people's pecuniary interests were at issue, and that some more stringent mode of proceeding, accompanied by compulsory power, was therefore required, and it was provided in the Bill. It was next asked by what proceeding it was proposed to carry out the objects of the Bill. This was provided by the third clause, which said that if any person was aggrieved, and if the Attorney General was instructed on the part of the Crown of any violation or contravention of the Act, he might apply, without great cost, for a remedy to the Superior Courts. There was no complicated form; a form the simplest and the most summary was provided. If the facts were not disputed, an immediate decision would be given; if the facts were disputed, a power was reserved of referring the matter to a barrister, or engineer, or some other competent person. At the same time, if more simple and effectual remedies could be suggested, he should be ready to consider them in Committee. These, then, were the main provisions of the Bill, namely—a statutory enactment that every company should afford to the public all reasonable facilities not only in regard to its own line, but also in regard to all those other lines with which it intercommunicated, in order to give to the public the full advantage of a continuous system of railway communication spreading its network from one end of the country to another; and, secondly, the establishment of a mode of enforcing this enactment the most expeditious and the least costly which had occurred to them. If the House went into Committee, he thought that those who had attacked the Bill, with a disposition to sneer at some of the difficulties with which it attempted to deal, would find that the case was not quite so easy to dispose of as they might fancy. It was one thing to find fault with the provisions of the measure, and a totally different thing to find a simpler and better mode of procedure. The House should remember the various steps which had already been taken with regard to this important subject. The first plan suggested limiting the dividend, that proved inoperative; then there was the scheme of Lord Dalhousie, which was unsuccessful in that House; and next came the plans of Sir Robert Peel's Cabinet, which also had no result. In 1846 the important step was taken of setting up a tribunal to which these matters were to be referred. That tribunal consisted of most able men. There was one ex-chief justice to give advice on legal points, and there was an engineer of the highest character to guide them in scientific matters. Parliament voted the money for it; and what happened? why their first act was to draw up a Bill asking Parliament to furnish them with the Powers necessary for the discharge of their duties. That Bill was never passed, and the consequence was that in 1847 the Commission was partially re-united to the Board of Trade, and in 1851 it ceased altogether to exist as a separate department. He thought this short summary would justify him in saying that they ought first to define the duties to be discharged before creating a new tribunal. The hon. Member for Sandwich (Mr. James M'Gregor) thought the Bill should have contained some provision with respect to the question of amalgamation; but the conclusion of the Government was this, that it would be wise of Parliament first to secure some control over the railway companies before it attempted to deal with the question of amalgamation. If they gave the companies the power of amalgamation, it might be more difficult to obtain a control over them afterwards. The hon. Member for the West Riding (Mr. Beckett Denison), when questioned by the Committee on this point, answered—

> "If you allow a very large amalgamation to take place, I do not know what sort of political feeling might arise, which might be felt in the House of Commons. That is an argument against amalgamation."

The House was now asked to lay down a statutory enactment, and to furnish a tribunal to enforce that enactment, and by so doing he believed that they would be establishing permanent peace between the travelling public on the one side and the railway proprietors and shareholders on the other, which could not fail to be of great benefit to both. He had not the least hesitation in saying that he had been met by the noble Marquess (the Marquess of Chandos), and other hon. Members representing the railway interest, with the fairest declaration on their part, that they were desirous of seeing these obligations imposed by general statutory enactment upon the companies, and that they were willing to assist the Government in devising the most complete and efficient machinery for enforcing them by adequate penalties. He thought the House would feel that the operation of a harmonious arrangement between the public and the railway companies and between the railway companies themselves, so far from being an impeachment of the good sense and judicious nature of the measure, ought to be an additional argument to recommend it for adoption. It was his belief that the Bill would be quite as efficient in promoting what was sought for in behalf of the public as in its former shape; and he was sincere in his belief, also, that, if passed, it would confirm the value of railway property, and obtain more efficient means of affording reasonable accommodation to the public.

Main Question put, and *agreed to.*

The House went into Committee *pro formâ.*

House resumed; Committee report progress to sit again to-morrow.

THE MILITIA BILL.

Order for Second Reading read.

Mr. HENLEY said, he wished for an explanation of an alteration made in the Bill from the previous terms of service.

Mr. SIDNEY HERBERT said, his noble Friend the Home Secretary had already explained the proposed change; but the right hon. Gentleman (Mr. Henley) was not in the House at the time the statement was made. His noble Friend stated that, in the present circumstances of the country, the fact had been brought to his notice that, under a strict interpretation of the old Militia Act, it would not be possible to embody the militia, even under considerable pressure, from the absence of the regular forces. No doubt, in case of invasion, the militia might, by stretching the meaning of the Act, be embodied without any such alteration as was now proposed; but it was not desirable that the law should remain in this condition. The circumstances of the country were now such as to render it important that the Government should have the power of embodying some portion of the militia. There was no danger of an invasion; but the absence of this danger did not diminish the public necessity for the change proposed. With regard to the militia regiments themselves, there was no objection whatever to the change. So far from it, he had just received several applications from regiments asking to be selected for embodiment; and one, belonging to a midland county, expressed their willingness to serve in any part of the country. An excellent spirit animated the whole force. All were desirous of serving their country. But the Government would take every measure in their power to select regiments for embodiment from parts where there was the least pressure for labour; and by not calling out any whole regiment, but only employing a portion of it, it would be in the power of the colonel to grant such leaves of absence to the men as would prevent any great inconvenience.

Mr. HUME said, he had been unaware that the Bill would come on that night for a second reading, or he would have been prepared to state certain objections which he entertained upon the matter. He had before submitted to the House the propriety of having the whole military power of the country placed under one distinct authority; and he felt in this instance that great inconvenience and augmentation of the public expenditure would be the result of embodying a militia, the officers of which were appointed by an authority over which the Secretary at War had no control. He thought the time had arrived when the distinction between the militia and the regulars should cease. He was not at all unwilling to place at the disposal of Government a proper military force, but at the same time he thought such a force should be of the most efficient character. At present the militia entailed a great expense upon the country, and, instead of being, as it ought to be, under the control of the Secretary at War, it was under that of the lords lieutenant of counties. He could not understand why two kinds of military forces should be kept up instead of one uniform system. He would prefer the abolition of the militia altogether, and an augmentation to the regular forces, with the entire military power of the country under one management and control. An expenditure of several millions was now about to be entered into, and such arrangements ought to be carried out as would ensure the best appropriation of that money. He was not desirous of throwing any obstacle in the way of Government, but he believed the time was now come when the difficulties which were seen years ago by the majority of the Cabinet should be inquired into, and remedied. He certainly could not understand why, when reform was the order of the day, some attempt should not be made to render our Army as efficiently managed as that of any other country in the world.

Bill read 2°, and *committed for to-morrow.*

OXFORD UNIVERSITY BILL.

Order for Committee read.

House in Committee.

Clause 6 (Constitution of the Hebdomadal Council).

Sir JOHN PAKINGTON said, he wished to propose an Amendment, to insert at the end of the clause, with regard to the appointment of the seventh professor, the words, "which other professor shall be always chosen from among the professors of theology."

The CHANCELLOR of the EXCHEQUER said, he could not assent to the proposition. He thought that when the election was to be made by a very considerable constituency, which constituency represented the whole moral and intellectual power of the resident University, and was to be intrusted with the choice of the whole of the Hebdomadal Council, that constituency could fairly enough choose a professor of theology, if it thought fit to give such a distinction to the faculty of theology. Now, however, the case was entirely different. The election of the heads and professors was no longer to take place by the suffrages of that constituency, but it was proposed that they should be elected by the body of professors. It was, therefore, necessary to inquire how far the body of professors formed a fitting constituency for the election of professors of theology. He could not see anything less likely to recommend the Bill as a whole by the consistency and propriety of its provisions than to intrust the professors as a whole with the election of a professor of theology. There were six professors of theology, a professor of moral philosophy—who might be considered a sort of amphibious animal, holding on to theology with one hand and secular knowledge with the other—and all the rest of the professors were persons without the slightest relation to the choice of professors of theology. The body of professors had much less to do with theology than the bulk of the University. If a professor of theology were wanted, let him be chosen by the bulk of the University; but to set a professor of anatomy or a professor of Sanscrit, a professor of chemistry, a professor of natural history, a reader in experimental philosophy, a Savilian professor of astronomy, or a professor of geometry to choose a professor of theology, appeared to him—he could almost say, a farce—but certainly something between that and a serious and sober action.

Amendment *negatived.*

SIR JOHN PAKINGTON said, he now rose to move an Amendment, of which he had given notice at the close of the proceedings on Monday, to alter the last word of the clause. He proposed to substitute for the word "Congregation" the word "Convocation;" and it seemed to him no more than consistent, after the resolution come to on a former evening, that the House should arrive at that decision. If the Amendment were adopted, he had no doubt that, practically, the proposal of Government would be carried out in the great majority of cases. In nineteen cases out of twenty the six members of Convocation would be chosen by the resident members of Convocation, which would, in effect, come practically very near the intention of Government; but, in the twentieth case, it might be most desirable that no such limitation upon the constituency should exist. In such an exceptional case some question of great interest, and affecting the feelings or the interests of the University, might be at stake, and it might be most desirable that the whole constituency of the University should at least have the power of exercising their rights. He held that, in consistency with the whole elective principle of the country, Congregation ought not to be excluded from exercising that power. He did not deny that he viewed the new body called the Congregation with great jealousy and dislike, and he wished to see it got rid of from the Bill. He had stated on Monday evening at considerable length the objections which he entertained against that body. It was not simply a novelty, but the framers of the Bill professed that they were reviving an old power in the University. That was not, however, wholly correct in fact, for the Congregation with its former powers, and the Hebdomadal Council never co-existed, and by the creation of the new Congregation a third body would be created hitherto unknown in the constitution of the University of Oxford, and the working of which would, he firmly believed, be injurious and mischievous to the interests of the University. He was apprehensive that the practical working of the Congregation would be neither more nor less than to throw the power of the University mainly into the hands of the prevailing party, whatever it might be. The right hon. Gentleman the Chancellor of the Exchequer on a former evening said that he (Sir J. Pakington) had exaggerated the probable numbers of the new Congregation. He had estimated them at between 200 and 300, and his hon. Friend the Member for Stroud (Mr. Horsman) at about 156. The fact was, by the arrangement proposed in the Bill, Convocation would be practically set aside, and the independence of the University would be materially affected. And that conclusion was distinctly laid down in the evidence of Mr. Merritt, and was contained in the Report of the Commissioners. True, indeed, power might be exercised at one time by one party, sometimes by another. Still it would be a great evil to incur the risk of party feeling stepping in to influence the management of the University; and he believed that party feeling would be brought to bear on this body to a very dangerous extent, and that members of the University, whose time might be far better employed in other ways, would virtually become members of a mere debating society. Now, he was not disposed to see the affairs of the University exposed to such a risk, nor was he disposed to see Convocation thu practically set aside. He felt persuaded that the Congregation could not exercise its powers without possessing a degree of control over the administration and legislation of the University that was inconsistent with its independence, and inconsistent with the action of Convocation on the University at large, which was not limited within the walls of Oxford, but was spread over the whole country. Practically he was sure that, in the great majority of cases, the elections would be carried on by the resident masters of arts; but cases would occur in which the University at large might desire to exercise their franchise, and in that case, consistently with their own principles, he thought Convocation at large ought to have the power, if they desired to exercise it, of joining in the election of this one-third part of the Hebdomadal Council. For those reasons, then, he considered a change ought to be made in the Bill, and he would move that at the end of the 6th clause the word "Convocation" be substituted for "Congregation."

Amendment proposed, at the end of the Clause, to leave out the word "Congregation," in order to insert the word "Convocation," instead thereof.

Lord JOHN RUSSELL said, the direct object of the right hon. Gentleman's Amendment was to exclude altogether from the Bill the body which the Government proposed to call the Congregation. The right hon. Gentleman proposed that Convocation should choose two members of Congregation, and omitting any discussion on the former part of the clause, the Amendment substantially was that no such body as the Government proposed should exist. He thought the real question in that respect was, whether it was desirable to have a body composed of all those who were residents in Oxford conversant with the business of teaching, whether they taught as professors, or whether they taught as tutors. That was a very important part of the Bill, and one which the Government were disposed to press upon the Committee. The right hon. Gentleman said that this Congregation would be liable to be carried away by party feeling of various kinds, more especially by party feeling on the subject of religion. He owned he heard with very considerable dismay a statement to the same effect, though in stronger terms, of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) on a former evening. It seemed to him, if there was any truth in that statement—he certainly could not pretend, from his own knowledge, to deny it—that the question was altogether hopeless, because, if the persons who were the principal persons—nearly the whole of the persons engaged in teaching in the University of Oxford—were persons so deeply imbued with party feeling, and with party feeling which might vary from day to day—for, according to the right hon. Gentleman, one time it might be Tractarian, another time it might be a rationalistic spirit—he owned, if he entirely believed that statement, he should look with apprehension to the future condition of the youth of this country. He should say if that were the case, the question would be whether they should either put this University under the management of another body altogether, or whether it would not be better still to abolish the University of Oxford altogether. As a body, the University of Oxford had hitherto maintained a spirit, though not a spirit which he very much admired, yet a consistent spirit in history. In the time of Lord Chatham it was said to be the spirit of Jacobitism, and in later times certainly a strong Conservative spirit. If that spirit was so totally variable and evanescent that it might change from day to day, and there was danger, and the hon. Member for Stroud (Mr. Horsman) supported that allegation, that a year or two hence all the youths of this country, its nobility, its gentry, and its clergy, would be educated in a rationalistic spirit, in the rationalistic doctrines of German professors, who could but feel despair with respect to such an institution? He did not believe it; he did not believe any such danger existed, or that the body of teachers at Oxford had been fairly described. The statement was not well founded, but if it rested on the best foundation, the most effective security with regard to teaching must be to have a body composed of all those who were concerned in teaching, with whom teaching was a business—who had studied it in all its aspects—who had before their eyes from day to day the practical effect of teaching, and to intrust those persons with the power of election to the Hebdomadal Council. He could well understand that if there were questions of parochial teaching, of teaching by the clergy from their pulpits, the clergy of the country should be brought together to give an opinion on such questions; but it seemed to him far from advantageous—it seemed to him most disadvantageous—when the question of improvement in education arose, that they should bring together, or be liable to bring together, a body of 3,000 persons, 2,800 of whom had not turned their minds to the subject of education, perhaps, for ten, twenty, or even thirty years. Men brought up at Oxford some thirty or forty years ago would have the opinions which they then imbibed at the University of Oxford.

The whole 150 or 250 men residing at Oxford might come to the conclusion that a great improvement in teaching was to be made. The questions to which the right hon. Gentleman the Member for Midhurst (Mr. Walpole) alluded the other night — whether young men should be brought up to learn only classics and mathematics, or whether or not the physical sciences should be added to that education, and how much time should be given to each study—were most important questions, on which he should be very sorry to give an absolute opinion, but he did say it was evident to him, that great improvement might be made in what had hitherto been the practice of the University of Oxford, and when those improvements were to be made, he should like a decision to be in some degree swayed by the opinion of those whose business was education, whose thoughts were upon education, and whose daily practice and daily experience turned upon education. To bring from Cornwall or Northumberland some 400 or 500 clergymen, who had not attended to the subject at all, who had imbibed some prejudice from circular letters, wherein they had been told there was a dreadful innovation about to be made, that something was going to be taught at Oxford which actually was not taught, for such would be the representations; and for those men, with their votes and numbers, to put a bar to such improvement, would be, he thought, a great misfortune. He hoped the Committee would assent to the proposed plan of having a Congregation, though it might be a serious matter of debate as to those of whom Congregation should consist. Let them admit everybody educated at Oxford who was competent to give an opinion on the daily business of Oxford; but let them not admit, except on rare occasions, those who were continually absent from Oxford. He did hope, also, that the representations made by the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), of the dreadful state into which Oxford was fallen, that there was a great chance they might be carried away by some rationalistic doctrine, were not well founded.

Mr. HENLEY said, that the noble Lord had given a colour to what he had said different to what he had meant in the observations he had just made. He never said the University of Oxford was likely to be led away by rationalistic doctrines. The hon. Member for Stroud (Mr. Horsman), however, said he was afraid such a thing might happen; but what he (Mr. Henley) did say, and what he repeated was, that if they narrowed down to a small section, which might not be more than 100 persons, they might find 100 young men in Oxford, or in any other place, he did not care where, who might give an impetus to a particular set of principles. Particular views had weight with the residents at one time, and might have influence at another. There had been small sections floating in the University from time to time, composed of young men, who, with their ardent spirits, naturally entertained strong opinions. What check was there against the too great prevalence of those opinions but by bringing to bear the general opinion of the great body of the University? If the power was given to the professors, of whose trustworthiness in matters of theology the right hon. Gentleman the Chancellor of the Exchequer had given such a graphic description, the younger members of the Convocation would sweep everything before them. They would have some fifty or sixty, and, including professors, there might be ninety members of this new congregation, and he suspected all the rest would make up something like 150 or 160 more. His belief was, that Congregation would be composed of about 250 persons: — the heads of houses, about twenty-four; the canons of Christ Church and professors, about ninety; the tutors of colleges and halls and college officers, not less than seventy or eighty (of which a very considerable number were very young men);, masters of private halls, and residents, who had filled any college office, and residents qualified under certificates of study, it was impossible to fix with certainty, but there would not be less than forty or fifty of that description. That would be the governing body, and he did not think it satisfactory. The Commissioners, to whom the Government ought to pay some respect, considered a body of something like 100 would fall, necessarily, into a mere debating society, and, therefore, anticipated objectionable difficulties on that ground. With a body of about 200 and upwards, all those evils would in a great degree be aggravated. They would necessarily fall into parties, and, as far as he could see, would not be likely to exercise any very sound judgment. The great majority of men who entered into the business of the University were between the ages of twenty-one and thirty-five. About thirty-five they generally moved out for livings or various other matters; perhaps some wanted to get married; but they would not find many residents after that age. He had yet to learn that a man who had had his judgment matured by eight or ten years' experience in the world was a worse judge than the man of twenty-five, who had just begun to teach, which was the case generally with the great body of residents. They were generally men of high attainments, who had distinguished themselves in the schools—they had begun to feel the powers they possessed, and, it may be, were not unjustly elated by their success; but he did not know that that was a matter altogether calculated to make them take an enlarged view of the subject of education. They were naturally chained down a great deal to particular views of the branch of education they were teaching, and were not able to take so large a view of the question as after having passed fourteen or fifteen years away from the University. He saw before him two Members of the Government, both highly distinguished for their University careers. Would any one believe that the right hon. Gentleman (Mr. Gladstone), or the hon. Member for Kidderminster (Mr. Lowe), were not as competent now to form an opinion of the studies proposed for consideration as they were two or three years after they had taken honours? He should be very willing to rest the Amendment upon that ground. It was not a very easy matter to get the non-residents to come up. It must be a very strong inducement. Nineteen cases out of twenty were left to the decision of the resident body; but there might be, and there would be, cases in which it would be unwise and unsafe to leave it to that body; and he believed, also, that if they knew and felt that there was the power outside to keep them right and straight, they would never attempt to do, by means of a small majority, that which they knew would not be acceptable to the whole body of the University. Upon these grounds he thought the Amendment proposed by his right hon. Friend (Sir J. Pakington) a sound one. He thought, as the clause stood, they would only be creating a narrow oligarchy, which would be a direct impediment to the free action of the University, instead of setting up, as was professed to be the object of the Bill, a proper representative system. He should, therefore, heartily support the Amendment.

Mr. DRUMMOND said, he had been listening with very great attention to the observations proceeding from both sides of the House, but whether it was from a want of apprehension in himself, or from any improper suspicion of others, he was unable to determine, but he could not help feeling that the combatants upon both sides were fighting with gloves, and that there was something kept back on both sides, some question which he suspected it was desirable to avoid. Now, he did not know what, after all, there was to apprehend. He suspected that each one was endeavouring, through the Bill, and especially through that clause of it, to strike a blow at some particular party in the University, whom they would not name; for he conceived that the mere numbers constituting the board could not be of such vast importance as was imagined. He observed that one said, that if there was a great number, that the board would be divided into two factions. Why, was it not perfectly clear that, whether the body consisted of ten or of one hundred men, that there would be two factions, and that it would simply be a larger or a smaller debating society, and that the two opposing principles would be in continual collision; and what did it signify, as far as that went, whether the body was composed of the larger or lesser number. But then it was said, and it was a good argument, that the persons living solely in the Universities came to have contracted views, and that it would be infinitely better that their actions and judgments should be controlled by others who were not always so resident. There was, however, another point of far more importance than the mere teaching, whether it was by professors or otherwise, and that was the moral discipline of those who were sent to the Universities. Now, he was prepared to maintain, as an incontestible conclusion, that the board, as proposed by the Government, was far more likely properly to conduct that part of the business of education than if it were composed of strangers, who never resided within the University, or who had never devoted themselves to the consideration of such a subject.

Mr. NEWDEGATE said, he thought that the hon. Member for West Surrey had a little misunderstood the exact bearing of the question now before the Committee relative to the alternative of intrusting these powers to Convocation, the present Legislative Assembly of the University, in preference to intrusting it to Congregation, the new body to be created by the Bill. All those who were masters of arts and have manifested their attachment to the University by retaining their names in the books, were members of Convocation, whether resident at Oxford or not; such of these only as were resident would be members of Congregation. The heads of houses, as the Hebdomadal Board, who are the best qualified to maintain discipline, were opposed to the constitution of the Congregation, but were in favour of being associated with a body of members of Convocation selected by the great body of Convocation. The members of Convocation were those who, in a great number of instances, have sons or relatives to be educated at Oxford, and, of course, could not be suspected of favouring lax discipline. The hon. Member did not seem to apprehend the objection of his right hon. Friend (Sir J. Pakington), namely, that the clause, as it stood, would for the first time give Congregation an absolute control over the University of Oxford, over Convocation itself, because this body, by the influence it would exercise over its nominees in the Hebdomadal Council according to the Bill, would control the subjects which were to come under the consideration of Convocation. There was, therefore, much more than a mere veto asked for this new body; for, if the original clause passed, on the one hand, this Hebdomadal Council would be a mere delegacy of Congregation; on the other hand, this Council would be able to debar Convocation from ever considering any subjects to which it objected. Now, that was a bar upon the action of Convocation which he did not think the previous history of the University would justify. The noble Lord (Lord J. Russell) said, that if party feeling were to influence the discussions of the governing body, he questioned whether it would not be better to abolish the University altogether. The noble Lord, in arguing thus, was but saying, "If the University cannot be governed under our scheme, let it be abolished." He (Mr. Newdegate) would say, in reply, that the University had never yet been governed under the noble Lord's scheme, and he hoped that it never would be governed under such scheme. The history of the University conveys a serious warning that the residents, however well qualified by their position, and by being fully conversant with all the details of the University to discharge their important duties as teachers of youth, were, nevertheless, liable to great bias and sectarian feeling, and to run into extremes, in matters connected with religion especially, while the whole history of the University likewise proved, that the action of Convocation and the deliberate judgments it enunciated tended to correct this tendency to extreme doctrines whenever it was manifested. He need only refer to two instances set forth in the Report of the Commission. The one was that in which there was an apprehension that Dr. Hampden's opinions were too lax. Convocation met and objected to the laxity of these opinions. The second instance was that of Mr. Ward's Tract XC., which had obtained an unhappy notoriety, as the embodiment of the Romish schism then manifesting itself in the Church of England. The Convocation assembled, and indicated their condemnation of this tract. Those who knew Oxford best on his (Mr. Newdegate's) side of the House, therefore, believed that Convocation had done nothing to call for its supercession, which this Bill tended to effect.

LORD ROBERT CECIL said, he thought that, in addition to the *à priori* argument that the expense and waste of time would prevent that large body, of whom the noble Lord appeared to be so much afraid, consisting of the clergymen in Cornwall, Cumberland, and Chester, and other places, coming up to control the other bodies, he might appeal to experience to show that such would not be the case, for only two months ago, when the very important question was mooted at Oxford upon the project of the noble Lord for the reform, or, as some termed it, the destruction of the University, becoming known, only 400 members assembled. Hon. Members might say that was apathy, but that remark could not apply to the recent election for the University of Oxford, when every engine of party policy and tactics was employed to bring up as many members as possible, and yet upon that important occasion, out of a constituency of 3,400, no more than 2,000 could be got to come up. That was an extreme case, and one in which it was more likely they would come up than in another, because it involved a question of strong party interests, notwithstanding which that was the only result. It was not upon questions of detail, such as teaching, or discipline, or morality, that it was desirable Convocation should speak, but on those larger questions with which the University had to deal, and upon which its traditional influence and long standing in the country gave it an authority far beyond any mere formal authority it might possess. Upon such questions as the introduction of a totally new system of study, and upon the introduction of new branches of study, such as physical science, &c., even although to some extent they might be matters of detail, was it not fitting that those who took an interest in the University should speak? Were questions involving the teaching of a large portion of the classes from which the future rulers of the empire were to be taken unimportant questions? Were they not questions upon which bishops, and peers, and statesmen ought to speak, as well as tutors. It was not merely to condemn Dr. Hampden or Mr. Ward that Convocation was summoned; in 1834 the Hebdomadal Board proposed a measure of no mere local interest, namely, to do away with the subscription to the Thirty-nine Articles. Surely that was a question upon which other than mere residents were capable of judging. There were many other occasions upon which it was desirable that the University should express an opinion; the Jew Bill and the Ecclesiastical Titles Bill were of such a nature, and no one could doubt that upon such questions the right hon. Gentleman (the Chancellor of the Exchequer) himself, and many others, were more competent judges than tutors, many of whom might have just taken their degree, for it was a mistake to suppose that the tutors comprised the greatest talent in the University, though there were undoubtedly many brilliant examples of talent among them. On those grounds he should support the Amendment.

THE CHANCELLOR OF THE EXCHEQUER said, it appeared to him they were in danger of forgetting some circumstances necessary to the right apprehension of the present discussion. The hon. Member for North Warwickshire (Mr. Newdegate) spoke of Congregation as if they were discussing the proposal for putting into its hands the full power projected and designed by the Bill. That was not the case. The principal part of the electoral power had, by a vote of the Committee, which he greatly regretted, been taken away from Congregation. The question now was, whether, with respect to a small portion of that electoral power, it should not be placed in the hands of the Congregation. The speech of the noble Lord (Lord R. Cecil) was calculated to produce another misapprehension. The whole tone and language of that speech would have conveyed to any one who was not acquainted with the exact bearings of the question, the impression that the proposal made by the Government would deprive Convocation of the powers it at present possessed. No such proposal had been made at all. Convocation was to be deprived of no power which it now possessed. It was said that Convocation was to be subject to the interposition of the Congregation—that the Congregation was to have the power to determine whether this or that particular question should come before Convocation or not. But was that a new proposal? Had there been no body which, up to this time, had exercised that power? Undoubtedly there had. The Hebdomadal Board had exercised precisely that very power. What, then, was the difference between the exercise of this power by the present Hebdomadal Board and the exercise of the same power by the Congregation? Why, the difference was this, that whereas the Hebdomadal Board consisted of the proctors and of twenty-four gentlemen who were heads of private societies, and were elected to manage the private concerns of their colleges, which college concerns were, in a great many instances, dissociated from education altogether, the proposition with respect to Congregation was to constitute a body which should comprise the whole working power connected with the University. He wished to know whether it was best to have this veto in the hands of gentlemen who were the private and irresponsible heads of private societies, and who did not carry on either the tuition or the discipline of the University, or to have it in the hands of a body in which every working man in the University would be included? The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had objected to the animadversions which his (the Chancellor of the Exchequer's) noble Friend (Lord John Russell) had made upon his speech. He thought that those animadversions were deserved. He must confess that he had never listened to so disparaging a representation as that which the right hon. Gentleman had made in reference to the University of which he was a member. He had heard, in the midst of political strife, and in the midst of religious animosity, he had heard observations made in reference to the University of Oxford which he had not been altogether surprised at, because he had felt that they were such as might arise naturally, under such circumstances, in the minds of men who felt sore at what they deemed an unjust exclusion. But he had never heard a speech so disparaging to the University, and that by one of her sons, as the speech which the right hon. Gentleman had made. The right hon. Gentleman had said that he had not spoken of Convocation. It was true that he had not. The right hon. Gentleman might say that Convocation was, by law, the University. That was true also. It was "the Chancellor, master, and scholars," that constituted in law the corporation of the University. But the right hon. Gentleman had spoken of the resident body; and he (the Chancellor of the Exchequer) maintained that, for all practical purposes, the resident body was the University. He wanted to know who were to educate their children—who were to teach them, to exercise discipline over them, and to form their minds? Was it upon hon. or right hon. Members of that House—upon the hon. Member for Kidderminster (Mr. Lowe) or himself—upon the Bishops on the Bench, or upon Judges in their Courts, that they depended for the teaching of the University of Oxford? No; but they looked to the University itself, and to the resident body of the University—to those who were expressly and constantly engaged in carrying on the work of tuition. Now this was the body which the right hon. Gentleman had described; and how had he described it? Why, he had stated that among that body every question was carried amid religious heats and animosities, and that it was always in one dangerous extreme or the other. The right hon. Gentleman had thus spoken of that body. He now said that there were some young men among that body. No doubt of it. And if there were not some young men among them the University would be very inferior to what it was. But the right hon. Gentleman—speaking of the resident body of the University—had said that it was always in one extreme or in the other; that in the last fifteen years it had been in the Tractarian extreme, and that in the next fifteen years it was to be in rationalising extreme. That was the opinion of the right hon. Gentleman of the University of which he himself was a member.

MR. HENLEY: I will not be misrepresented in that way. What I said was, that it had been Tractarian; and the right hon. Gentleman knows that better than I do; and that the hon. Gentleman the Member for Stroud (Mr. Horsman) had said that it was rationalised, but that I did not believe that it was so to the extent that had been suggested. That was what I said; and the right hon. Gentleman might misrepresent it as he pleased.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman had no right to tell him in that House that he might misrepresent him as he pleased. If he chose, he should have a right to appeal to the Chairman for protection against the angry taunts of the right hon. Gentleman. It was the first time, in an experience in that House of twenty years, that he had ever heard a Gentleman — and especially a Gentleman of age and gravity—imputing to another that he had wilfully misrepresented him. This was what the right hon. Gentleman had thought fit to do towards him; but he trusted he did not require to be defended against such an imputation. Reverting, however, to the subject of his observations, he maintained that he had neither misrepresented nor misapprehended the right hon. Gentleman's speech. The right hon. Gentleman had stated that for fifteen years the University had been in one extreme—he (the Chancellor of the Exchequer) did not care in which extreme—which had been past, or which was to be future; and he had gone on to express his opinion that if power were committed to the resident body of the University, it would always be in one or other of these dangerous extremes. Again, he said that the speech of the right hon. Gentleman was a speech most unjust towards the University, a speech proceeding from a Gentleman who, he would venture to say, after seven years of very intimate acquaintance with the resident members of the University, knew nothing of their character. If he had known it, he surely never would have made such a statement of them. The fact was, that the spirit of party, which unfortunately prevailed to so great an extent in the Church of England, did not at this moment exist within the University of Oxford with one-half the virulence with which it prevailed outside the University. He spoke in the presence of Gentlemen who knew that this was so; and the reason was not very difficult to be devised. These gentlemen at Oxford had something more to think about than mere party disputes; a more laborious and hard-working body would not be found in any part of the country; and surely something was also to be attributed to the humanising and elevating influence of the pursuits in which they were engaged. For these reasons he did not hesitate to say that the spirit of party, whether religious or political, was less strong within the University at this moment than without it, and that it had been so for the last seven years, during which time alone he professed to know anything about the matter. He said this without fear of contradiction by any one who knew the University; and he made the statement, not as matter of opinion, but as one which could be supported by facts. They had been told that the tutors were not a distinguished body at Oxford—that they did not represent, in point of attainment, the best members of the Convocation. Now, what he said was this, that the tutors, at the present moment, were not equal, as a body, to what they would be ten years hence, if Parliament should pass this Bill, because there were certain colleges in Oxford which were what were called close colleges, and which he hoped the noble Lord the Member for Stamford (Lord R. Cecil), who had complained of the low state of attainments amongst the tutors, would assist them to open. The close colleges somewhat lowered the standard of attainment amongst the tutors connected with them. With respect to the open colleges, however, he maintained that the tutors, with respect to character, and with respect to attainments also, were the very flower of the men educated at the University. He was satisfied if the House would open the rest of the colleges, which the Government was going to call upon it to do, the same result would follow with respect to them, and the *élite* of the University would thus be represented by the tutors. The fellows in the open colleges were chosen by examination; and the Government desired to have a system by which, in every college, without any serious or considerable limitation, open election should be the rule throughout. Now, he wanted to know, looking, as they were bound to do, to a long course of years, what security they could have so complete against the long continuance of party colouring, be it of what character it might, as a system of open election? It was not pretended that the elections of fellows in the open colleges at Oxford were ever tinctured by religious or party feeling. There was no instance on record of any such feeling entering into the case of an open election. Was it for them to say of the resident body of the University that it was likely to be tinctured by religious party? He maintained that it was not, and that it was not at all warranted by the facts. But as the noble Lord (Lord R. Cecil) had spoken disparagingly of the tutors, he was bound to say that he had received a statement the other day, he did not know from whom, but it was given with much detail, and the results were certainly curious. Taking the three classes—heads of houses, professors, and tutors—it showed that of seventeen heads of houses who had been examined in the schools, six had taken first-class honours; that of sixteen professors who had been so examined, twelve had taken first-class honours; and that of twenty-one tutors who had been examined, the number who had taken first-class honours was fourteen. He thought that, under these circumstances, the noble Lord ought not to have made any observations disparaging to the class of whom they were now speaking. But the noble Lord had spoken of the decisions of Convocation being preferable to the decisions of the working resident body of the University. He said the working resident body, because the Congregation proposed by Government did not include two classes of residents with respect to whom it might be said that there could be no security against their being under party influence. These were the resident clergy of Oxford and the chaplains of the colleges, who, not being connected with the working of the University, although resident, were not included in the plan of a Congregation. He did not agree in the opinion that the decisions of Convocation were wiser or better than those of a body such as that which it was proposed to constitute by this Bill, because he knew full well that the reform movement in the University was owing almost entirely to the younger members of it. No man who knew Oxford would deny this. No doubt, among the older members of the University there were very able men, and very earnest reformers; but, speaking in the mass, he repeated that it was almost entirely to the younger members that the movement within the University in favour of reform and improvement was to be ascribed. It was not proposed by this Bill to deprive Convocation of its powers. If Convocation chose to petition against the admission of Jews into the Legislature, or in favour of this measure or that, it would still be at liberty to do so. If a wrong proposal were made, it would still have the power to reject it; and, if a right one, to accept it. But they had recently had examples of resident and non-resident voting. They had no need to go back to 1834. On two occasions this year petitions had been proposed for the acceptance of Convocation, upon which divisions had taken place. One was a petition to the Crown to allow certain constitutions, which no Gentleman had thought proper to propose in that House. What became of that proposal? No doubt, Convocation accepted the petition, and its acceptance might be thought by some a proof of its wisdom. He must be allowed, however, to entertain a different opinion. If the question had had to be decided by the working members of the University, the petition would have been rejected by two to one. The other petition was against this very Bill, and it was carried in Convocation by a majority of two out of 400—the resident and working members of the University voting by a large majority against it. It seemed to him that the argument of the right hon. Baronet (Sir W. Heathcote)—that the University required the occasional visits of the non-residents to correct the errors of the residents—was founded in fallacy. The non-residents, most of them, lived at a great distance; they could only come up at considerable expense and trouble, and sacrifice of time; and when there was a strong feeling prevailing, and a state of excitement in the University, who among these would be most likely to come? What description of non-residents did they expect to get? Were they the most quiet, the most sober-minded, the most circumspect? Were such the men who were most likely to go up to mix in a fray? On the contrary, they would undoubtedly find, if they examined into the matter at all, that those who did go up were those who were most strongly influenced by political and party feeling. He was convinced that, if a register were obtained of the names of the non-residents who voted on the two occasions to which he had referred in the present year, it would be found that they were men who entertained very strong party and political opinions. He must say he considered that the charges which had been made by the right hon. Member for Oxfordshire, and, in some degree, though in a very different manner, by other hon. Members, against the resident and working body of Oxford were most unjust. The Committee had determined to recognise classes; they had recognised the heads of houses and the professors, but neither the heads of houses nor the professors did the work at Oxford. The public tutors and the private tutors carried on the great bulk and burden of the work; and he thought it was fair to appeal to the Committee, when they had given electoral power to the heads of houses and to the professors, to give electoral power likewise to those who did the work of the University. The Committee had chosen to recognise classes, and he asked them, therefore, to recognise that class which, by reason of the work it accomplished and of its disposition to entertain intelligently every proposal of improvement, had, he thought, a strong claim upon their attention. He might further mention that he held in his hand a paper in favour of the Bill signed by forty-two of the resident members of Convocation, twenty-three of whom were actually engaged in the tutorial work of the University. Upon the publication of the proposal of the Government almost the whole of that junior body in the University, which had been so severely stigmatised as always running into extremes, joined hands in favour of the scheme. On these grounds, he hoped the Committee would refuse their assent to the Amendment of the right hon. Member for Midhurst.

Lord ROBERT CECIL said, he wished to say that nothing was further from his intention than to speak in disparaging terms of the tutors. What he had said was, that, considering the average talent of those members of the University of Oxford at the Bar, in the Church, or in other professions, who had left their names upon the books, the tutors were not men of the highest distinction. In proof of the accuracy of his statement, he might refer to the Judicial bench, the Episcopal bench, and the Treasury bench.

Mr. HORSMAN said, he regretted that what he had said the other night had been misunderstood. It seemed to be supposed that he had said that the University was assuming a rationalistic character, but he entertained no such opinion. He agreed with what had been stated by the noble Lord the Member for Stamford (Lord R. Cecil), that while every tribute of praise was due to the college tutors, still, as a body, they did not hold that high place or enjoy that amount of literary reputation which they might. He founded that opinion upon the fact, that up to the time of taking a degree the life of a student at the University was one of great labour and exertion, but that when the highest honours were obtained, and a fellowship as a necessary consequence followed, all motive for further exertion ceased. On that ground he had stated, that unless some incentive to exertion were devised, it could not be expected that the tutors would enjoy any considerable literary reputation. It appeared to him that, as far as he could collect the meaning of the clause, it was of no great consequence whether Congregation, deprived as it would be of electoral functions, continued to exist or came to an end.

Mr. ROUNDELL PALMER said, that it was extremely difficult, after the tone which the debate had taken, to know what Congregation really was. The hon. Gentleman who had just sat down had spoken of it, and without any expression of dissent from the Treasury bench, as if it were of no importance whether it continued to exist or not.

Lord JOHN RUSSELL said, he wished to say that he thought the opinion expressed by the hon. Member for Stroud (Mr. Horsman) was erroneous. He had not himself stated that the Government had any proposition to make on the subject different to that contained in the Bill; what he had stated was, that the matter was worthy of the utmost consideration when that part of the Bill came before the Committee.

Mr. ROUNDELL PALMER said, he was glad to hear that statement made by the noble Lord, but he should be glad to know what Congregation really would be. It appeared to him that the private tutors took too considerable a part in the business of the University to be excluded, and he could not imagine that any declaration of study could be enacted. He considered that the education received at the English Universities, whatever might be its defects, was happier in its results than education received anywhere else; and he must strongly deprecate the custom of regarding with jealousy the working of the Universities themselves. He doubted if there would be no danger in making the heads of houses and professors elect the remaining members of Congregation. The consistent mode would be to let six members of the governing body be elected by the other resident members of Convocation.

Mr. HILDYARD said, if the electoral power was to be extended to all the residents, he should like to know what justification there was for making an exception that would exclude Masters of Arts who were non-resident. He could not help thinking that the noble Lord the Member for London must have felt some embarrassment to-night when arguing in favour of the oligarchy, and objecting to the 3,000 Masters of Arts of Oxford. That was not the tone in which the noble Lord usually advocated measures of reform. And he must say that he was rather surprised to find that the hon. Member for Montrose (Mr. Hume) could sit quite still as he listened to the noble Lord's argument in favour of the propriety of confining the right of voting to 150 or 200 out of 3,000 electors. Let the Committee remember that they were adopting a principle which affected, not only the University of Oxford, but perhaps the whole question of the representation to a certain extent. Were there no persons, non-residents, who were entitled to vote? Were these persons to be excluded when every resident was admitted to vote? The simplest mode of dealing with the question was to agree to the Amendment, and allow every member of Convocation to vote. He knew this would have small practical effect on questions; but he was sure if non-resident votes were admitted, that sometimes these votes would present themselves at the University, not to control, but to modify, the votes of the resident members. If the Bill, amended as it would be, were sent down, the body at Oxford, he felt confident, would show the same support to it as they did to the Bill as introduced under the right hon. Gentleman's (the Chancellor of the Exchequer's) influence.

Mr. ROBERT PHILLIMORE said, he thought the hon. Member who had just addressed the House must have forgotten the way in which he gave his vote on a previous occasion. Would not any one have believed that the hon. Gentleman had voted that the six heads of colleges and the six heads of professors were to be elected by the Convocation, whereas, as the Bill stood, they were to be chosen by a close body, although it was proposed that the six tutors should be chosen by Convocation. Why should that distinction exist? If it was fair that the third body should be chosen by Convocation, surely it was fair that the other two bodies should also be chosen by Convocation. He was anxious that the Committee should not divide under a mistake, which he was afraid they might have been led into by the speech of the noble Lord opposite (Lord R. Cecil), who appeared to apprehend that by this Bill the power of Convocation would be limited. It was no such thing. The Bill would, from the first, give the Convocation a power of acting in cases in which it had never before had any authority.

Sir WILLIAM HEATHCOTE said, he wished to explain the grounds on which he was disposed to vote for the word "Congregation" rather than "Convocation." He had given notice of an Amendment in Clause 18, which constituted the Congregation, by which he should endeavour to enlarge the bounds of the Congregation, and it was with that view that he intended now to vote for the word Congregation.

Mr. MILES said, he would appeal to the noble Lord (Lord J. Russell) as to whether he could not prevent the necessity of a division on the present Amendment by assenting to the suggestion just made by his hon. Friend, namely, that of enlarging the boundaries of the Congregation?

Lord JOHN RUSSELL said, that, with regard to the present question before the Committee, he should certainly divide upon it; but in respect to the proposition of the hon. Baronet (Sir W. Heathcote) he should like to see in what way the hon. Gentleman could devise a mode to effect the object he proposed.

Question put, "That the word 'Congregation' stand part of the Clause."

The Committee *divided*:—Ayes 192; Noes 176: Majority 16.

The CHANCELLOR of the EXCHEQUER said, there was one person who seemed to have been rather forgotten with respect to the Hebdomadal Council and the Convocation, and that was the Chancellor, who, when in Oxford, was the head and president of everybody which acted for the University. He would therefore put upon the votes a notice of his intention to bring up a clause to this effect—

"That, notwithstanding anything in the Act contained, the Chancellor of the University shall be a Member of the Hebdomadal Council and of the Congregation, and, when present in Oxford, shall have the right to preside therein, as well as in the Convocation."

Clause *agreed to.*

Clause 7 (The Vice Chancellor is to continue a Member after the expiration of his term of Office).

The CHANCELLOR of the EXCHEQUER said, the object of this clause was to prevent inconvenience, it being most important that the Vice Chancellor should continue a member of the Hebdomadal Council, in order properly to carry on the business. It had been observed that, under the clause as it stood, the Vice Chancellor's office might cease immediately before the triennial election, and he proposed, therefore, at the end of the clause to insert the words "or for the space of one year, if such election should take place at an earlier period;" so that a year would be the minimum of time for which the outgoing Vice Chancellor would retain his seat in the Council.

Amendment *agreed to;* Clause *agreed to.*

Clause 8 (Professors not ineligible).

The CHANCELLOR of the EXCHEQUER, in reply to a question of the hon. Member for Oxfordshire (Mr. Henley), said that the object of this clause was to prevent the raising of a legal question, as to whether under certain of the Statutes which prohibited professors from holding any other offices, they might not be excluded from the Hebdomadal Council. He did not apprehend that this clause would qualify any person who was not fully qualified as a member of the University, nor did he believe that any one could be a professor who was not so.

Clause *agreed to.*

Clause 9 (Hebdomadal Council may appoint Committees).

Sir HENRY WILLOUGHBY said, he wished to propose the following proviso—

"Provided always that nothing contained in this Act shall be construed to give any executive functions to the Hebdomadal Council or its Committees, except such as may be required to provide for the preparation and proposal of Statutes for Congregation."

The CHANCELLOR of the EXCHEQUER said, that there was no probability that any Board in Oxford would encroach on the duties of the executive. The functions of the Hebdomadal Board were transferred by the Bill to the Hebdomadal Council, and as the Board had never made any encroachment on the executive, there was no reason to think that the Council would do so.

Mr. HENLEY said, he objected to the clause, on the ground that it would permit the Council to devolve the performance of its duties upon persons who were not responsible, and would therefore recommend that it should be expunged.

Lord JOHN RUSSELL said, he would consent to the withdrawal of the clause.

Clause *struck out.*

Clause 10.

Sir WILLIAM HEATHCOTE said, he wished to move an Amendment to leave out certain words, and insert—

> "not reside for eighteen weeks during term time, or attend eighteen times at the meetings of the Hebdomadal Council in each."

The object of the Amendment was, that distinguished persons who were not permanently resident might, with the facilities for travelling now existing, be able to be members of the Hebdomadal Council.

The CHANCELLOR of the EXCHEQUER said, the term of twenty-four weeks had been inserted in the Bill, with the perfect knowledge that eighteen weeks was the term of academical residence. He thought it would have been well if Government had prolonged the term of residence. They thought it reasonable and desirable that the members of the Hebdomadal Council should be resident.

Mr. HENLEY was sure the time stated in the Bill was not too long.

Mr. WALPOLE said, he thought the clause should mention the person or persons who are to declare a vacancy at the Hebdomadal Board, when a seat became vacant by the absence of a member during the period specified for attendance.

The CHANCELLOR of the EXCHEQUER: The Vice Chancellor will declare it.

Mr. WALPOLE wished to know whether the vacancy, when declared, was immediately to be filled up, or whether they were to wait until the regular period for election should come round again?

The CHANCELLOR of the EXCHEQUER apprehended, that when a vacancy should be so declared, the case would come under the clause that refers to occasional elections.

Clause *agreed to.*

House resumed; Committee report progress.

ROYAL MILITARY ASYLUM.

Mr. OLIVEIRA, in bringing forward the Motion of which he had given notice, spoke as follows:—I have no doubt that a very general impression will prevail in this House that the Motion which stands in my name for this evening is one with which I have no very immediate concern. I am aware that there are in this House many distinguished individuals, members of the Army and Navy, who might do justice to this subject by their knowledge of fact and their lively sympathy. I therefore feel bound to offer to the House an apology for apparently touching upon a topic so alien to my ordinary pursuits and occupations. But whilst I admit that there are considerations of a military character connected with this subject, I am prepared to show that there are also points of a moral and social bearing, which may be as well stated by a civilian as by any other person, for surely the maintenance, education, and training of several thousands of Her Majesty's subjects, the children of her brave soldiers, cannot fail to enlist the sympathy, and command the support of the politician, the philanthropist, and the statesman. Hence, Sir, I venture to hope that the House will agree that it is a subject open to all, and may even be approached by so humble a Member as myself. I will endeavour to confine myself to facts and figures, and hope that other hon. Gentlemen may illustrate the subject by military references, and general data bearing upon it. A short time since I put a question to the right hon. Gentleman the Secretary at War with reference to the capability of the asylum, and the various Royal Warrants affecting it, and I beg to express my thanks for the care which he took upon that occasion, as well as for the courtesy with which he has permitted me to bring this subject forward. I think he then said that the chief difficulty was one of expense. I propose presently to make a few remarks upon that part of the question; but I will at present briefly refer to the warrants under which this establishment has been formed, and the number of children which have at various times been within it. I will then show the grants that have been made during a series of years, their decrease during a long period of peace, and I hope to show good and substantial reasons for its being reinstated in its fullest efficiency and numbers; and it will indeed be a source of disappointment to me if the Government does not readily acquiesce in that very reasonable suggestion. The Royal Military Asylum was established at the beginning of the present century. I find in a Royal Warrant, bearing date the 26th of April, 1805 (after referring to a former warrant of 1801), the following words—

> "In the selection of children preference shall be given in general—first, to orphans; second, to those whose fathers have been killed, or have died on foreign service; third, to those who have lost their mothers, and whose fathers are absent on duty abroad; fourth, to those whose fathers are ordered on foreign service, or whose parents have other children."

By this warrant the number of children is limited to 1,000. Another Royal Warrant, dated Feb. 24, 1809, has the following passage—

> "Whereas, from the extent of our Army, and the great proportion thereof usually employed on foreign service, it is become highly expedient to make a further provision for the maintenance and education of distressed children of non-commissioned officers and soldiers belonging to our regular forces; our will and pleasure is, that the number to be admitted into our said asylum shall be extended to 792 boys and 348 girls, making in the whole 1,140 children."

In 1811 a Royal Warrant was issued (Oct. 10), in which I find the following passage—

> "By His Royal Highness the Prince Regent of the United Kingdom of Great Britain and Ireland. Our will and pleasure is in the name and on behalf of His Majesty, that the number to be admitted into the said asylum shall be extended to 800 boys and 400 girls, making in all 1,200 children, exclusive of the infant establishment in the Isle of Wight."

Another warrant, dated 5th May, 1817, has the following passage—

> "Whereas we have thought proper to augment the establishment of our Royal Military Asylum, so as to provide for the maintenance and education of 400 additional boys, and to direct that a building suitable for their reception should be fitted up at Southampton: And whereas the Commissioners of our said asylum have submitted to us the annexed establishment of officers, non-commissioned officers, and servants, for conducting that branch of the asylum, which establishment we are pleased to approve of: Our will and pleasure, therefore, is, in the name and on behalf of His Majesty, that the same take effect from the 25th June, 1816, inclusive. It is our further pleasure that all the rules and instructions contained in His Majesty's warrant of 24th June, 1801, with regard to the establishment of our Royal Military Asylum, be observed in the management of the branch of that institution at Southampton, so far as the same may be applicable."

So that at the period of this last warrant, during profound peace, there were no less than 1,750 children in the asylum and its branches at Southampton and the Isle of Wight. These numbers have gradually decreased, until at present there are but 350 children in the asylum. A large portion of the building is occupied by the normal schoolmasters; but there is ample space for an increase of the present numbers, and, if necessary, there is a considerable portion of land belonging to the institution which might be built upon. In order to show the estimation in which the children brought up in this institution are held by the Army, I will read to the House the following list, which I copied from the institution last Sunday—

> "Regiments requiring boys from the Royal Military Asylum, but which cannot be furnished:—
>
> 1st Regt. of Foot
> 2nd ditto
> 6th ditto
> 15th ditto
> 21st ditto
> 26th ditto
> 31st ditto
> 34th ditto
> 36th ditto
> 45th ditto
> 49th ditto
> 53rd ditto
> 56th Regt. of Foot
> 60th ditto
> 66th ditto
> 68th ditto
> 69th ditto
> 74th ditto
> 77th ditto
> 79th ditto
> 80th ditto
> 82nd ditto
> 85th ditto
> 92nd ditto
> 12th Light Dragoons."

In all twenty-five regiments. With reference to the financial part of the subject, I have shown how, in the time of profound peace, no less a sum than 28,000*l.* has been voted for one year; that this establishment has ample space, with staff and all the requirements for an increased number; that there are, at present, 4,222 children eligible for this or some other form of support. That although the public have already contributed large funds, and the collections of the various congregations on the day of humiliation was very large, still these combined amounts would hardly meet the expenditure of a single year. I feel assured that there will be no party in this House opposed to a liberal grant for such a worthy purpose. We have abundant proof of the public feeling in its favour, and the Government have, during the present Session, been met with so much unanimity in all matters affecting revenue, that I am sure they may expect unanimous support to any proposal they may make. It will be remembered that all the military and naval estimates were passed almost without discussion—that increased sums were voted for armaments with equal readiness—that when the right hon. Gentleman the Chancellor of the Exchequer came down with a proposal for an increase to the income tax, that was also passed at once. I may further instance the forbearance shown by all parties who usually besiege the Treasury for a reduction of duty. Amongst them I felt it my duty not to press for a reduction of the wine duty, though the period and circumstances appeared to justify an opposite course. And if it should be true that large funds actually exist applicable to this purpose, the whole financial difficulty vanishes, for I am informed that a considerable amount of unclaimed prize money is accumulated, and available for this and similar objects. In adopting the mode of bringing this question before the House by way of Address to Her Majesty, I have thought it most consistent, for I have observed, with no ordinary satisfaction, the great sympathy and feeling which have been manifested by our gracious Sovereign upon every occasion when regiments have been about to depart for the seat of war; and it will be difficult for those who witnessed the scene ever to forget the touching farewell departure of the stupendous fleet which but lately left our shores for the Baltic in the presence of Her Majesty. I think, also, that Her Majesty's Government will hardly oppose an Address having for its object the protection and education of the poor and helpless children of the British Army. From a return moved for by the hon. Member for the Isle of Wight (Colonel Harcourt), I find the number of children of soldiers on foreign service is 4,222, of whom 3,475 belong to regiments ordered to the East. Sir, looking to the great and noble sacrifices that have been made by this country in the cause of philanthropy, and for the improvement of the human race, this is a case calling for peculiar support. A country that could vote 20,000,000*l.* for the emancipation of the slave—a country that can maintain a squadron to suppress that detestable traffic at a cost of 500,000*l.*—and other such efforts in the cause of humanity—will surely never let it be said, in after times, that in the year 1854 the children of its bravest soldiers, who were sent to fight for the glory and greatness of England, and for the maintenance of the liberties of Europe against despotism and tyranny, were left to the misery of the poor-house, or to be the casual recipients of eleemosynary aid.

Colonel DUNNE seconded the Motion.

Motion made, and Question proposed,

Mr. Oliveira

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to grant an Inquiry into the capability of increasing the accommodation at the Royal Military Asylum at Chelsea, for the reception of the children of Non-commissioned Officers and Soldiers on Foreign service, as far as may be practicable, to the extent which that establishment afforded under various warrants of Her Majesty's Royal Predecessors."

Mr. SIDNEY HERBERT said, that there was no doubt that this institution had been, and was now, of great benefit to the Army. About 350 children were now received within the walls of the asylum; while at a former period, when there was also a similar establishment at Southampton, it had accommodated 1,222. It had, however, been found, both here and at Greenwich, that the experiment of educating a large number of girls together had proved a complete failure, so far as regarded their future course of life. The experiment had consequently been abandoned, and he should feel great hesitation in renewing it. With regard to boys, the case was different. In considering, however, what additional number of them could be provided for, it must be recollected that the building at Southampton had been applied to another purpose, and that one portion of the asylum at Chelsea was now devoted to the normal school for teachers for the Army. This was so valuable an institution that he could not think of removing it from Chelsea, because, besides the expense which its removal would entail, it was impossible to keep up an efficient normal school for teachers unless you had also in connection with it a large school in which the future masters could practise teaching. The question, therefore, was, what additional number of children could be educated at Chelsea, consistently with still keeping the normal school there? Now, it must be recollected that the same number of children as were formerly received could not now be accommodated, because they were better cared for now than they were some time ago. The mode of teaching was also then very indifferent, and the school was in a very unsatisfactory state. The new system, however, which was established in 1844, when he held the same office that he did now, had, he was happy to say, worked very well, and the condition of the school was much improved. Looking to all these circumstances, he thought that, without encroaching on the play-rooms, which would be very undesirable, accommodation could be afforded for about 120 children more than were at present in the asylum, and to that extent he was quite ready to make arrangements for receiving additional inmates. At present, children who were either orphans or whose fathers were on foreign service were admitted. The accommodation afforded by the institution was nearly adequate to the demand, the annual vacancies being about fifty, and the applications for admission about seventy. No doubt, however, the latter would increase as the war progressed. Some additional staff would no doubt be required in consequence of the addition to the number of pupils which he contemplated, but still he did not think the increased expense would be more than 3,000*l.* the first year, and it would be somewhat less, probably, in future years. He had directed plans to be prepared for carrying out this object, and he hoped that, under these circumstances, the hon. Gentleman would not press his Motion.

Colonel DUNNE said, he begged to express his approbation, both of the Motion and of the manner in which the Government had responded to it.

Mr. OLIVEIRA said that, after the very satisfactory statement of the right hon. Gentleman (Mr. Herbert), he would not press his Motion.

Motion, by leave, *withdrawn.*

The House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, May 5, 1854.

Minutes.] Public Bills. — 1ª Episcopal and Capitular Estates Management, 1854.
3ª Chimney Sweepers.

THE WAR WITH RUSSIA—QUESTION—BOMBARDMENT OF ODESSA—THE DUKE OF CAMBRIDGE.

The Marquess of CLANRICARDE said, he wished to put to the noble Earl the Secretary of State for Foreign Affairs a question upon a subject on which their Lordships and the whole country would doubtless be extremely anxious to have authentic information. He trusted that the answer which the noble Earl would be able to give would be such as would give their Lordships the greatest satisfaction. It was commonly reported, as their Lordships were no doubt aware, that a telegraphic despatch coming from Belgrade, and founded upon information sent to that town by Her Majesty's Consul at Varna, had been received at the Admiralty, to the effect that Her Majesty's forces had achieved a considerable success in their operations against the fortified port of Odessa. He wished to ask whether it was true that any particulars to that effect had been received?

The Earl of CLARENDON: My Lords, I have great satisfaction in being able to answer my noble Friend's question in the affirmative, and to say that the news to which he alludes has arrived this morning at the Admiralty by a telegraphic despatch from Belgrade. The best way in which I can communicate the news to your Lordships is to read the despatch itself. Mr. Fonblanque writes from Belgrade, on the 4th of May, at a quarter to seven o'clock in the afternoon, and says:—

> "Admiral Dundas announces, through Her Majesty's Consul at Varna, that a division of steamboats of the combined squadrons destroyed, on the 22nd of April, the Imperial mole and the Russian ships at Odessa. The mole of the Quarantine, the foreign ships, and the city itself, have not been injured, great care having been taken with respect to private and neutral property. The Pasha of Belgrade stated yesterday that the great powder magazine had been blown up, that the land batteries had been entirely destroyed, and that the loss which had been sustained by the allied fleets did not exceed eight men killed and eighteen men wounded."

I am further informed, my Lords, that the fleets, immediately after the attack on Odessa, sailed towards Sebastopol.

Lord REDESDALE then put a question with respect to certain statements that had appeared in the newspapers reflecting upon the conduct of the Duke of Cambridge for alleged delay in proceeding to join the expeditionary army in the East. The noble Lord's statement was inaudible.

The Duke of NEWCASTLE: My Lords, I have not even seen the articles to which my noble Friend alludes; and although I am not by any means surprised that he or any other Member of your Lordships' House should feel that the character of the Duke of Cambridge ought to be vindicated on such an occasion, yet, on the other hand, I cannot help feeling that at least all those who know the illustrious Duke, and indeed the country at large, treat such imputations with contempt. My noble Friend accurately stated the circumstances under which the Duke of Cambridge went to Paris and remained there, and subsequently proceeded to Vienna; and I may add that not only did the Duke of Cambridge act upon the instructions of the Government, but that in all the transactions in which the Duke has been engaged he has fulfilled the instructions of Her Majesty's Government, not only with the greatest fidelity, but with the greatest ability and success. I assure your Lordships that the Government have every reason to be satisfied with the desire expressed by them, that the illustrious Duke should go to Vienna as well as to Paris. With reference to any imputation of slackness, I can assure your Lordships that the illustrious Duke was, in the first place, most anxious to be employed in active service; and I may say, even expressed the greatest pain and anxiety when there was any doubt on the subject, and was subsequently most anxious from day to day to proceed to his post. He lost no time in going from Paris to Vienna when he received instructions from Her Majesty's Government to do so; and when his duties were executed at Vienna, without one moment's delay he proceeded to Trieste, and thence to Corfu, where a boat was to be in waiting to convey him to Constantinople, at which he has no doubt by this time arrived.

THE EARL OF HARDWICKE: Your Lordships will, I think, concur with me in placing the highest confidence in the character and courage of the officers employed by Her Majesty, both by sea and by land. But there is another description of courage which I do hope and trust will exist in the minds of these gallant officers, and that is, moral courage; so that they will treat with contempt, and will not allow themselves to be urged on by, expressions which may be used in the public press in reference to naval and military operations.

CHIMNEY SWEEPERS BILL.

Order of the Day for the Third Reading read.

THE EARL OF SHAFTESBURY *moved*, that the Bill be now read 3^a.

THE EARL OF CLANCARTY: My Lords, although the objections I lately urged against this Bill, both on account of the new offences it created, and the ambiguity of the language in which they were set forth, have been removed by the alterations made in the Committee of the whole House, I must beg, before you proceed to give a third reading to the Bill, to call the attention of the House to its present provisions, as it is now rendered, as a measure, innocuous certainly, but totally useless, and therefore not one that it would be becoming in your Lordships to send down to the House of Commons. The Bill, as it originally stood, constituted it an offence in any person under sixteen years of age to "use or attempt to use, to assist, or attempt to assist, in the trade or business of a chimney sweeper." The clause constituting this an offence has been wholly expunged. The other offence that the original Bill was designed to create was that every person who should "knowingly allow any person under sixteen years of age to attempt to use or assist in the trade or business of a chimney sweeper," should be subject to a penalty of not more than 10*l.*, nor less than 5*l.*, has also been expunged; and now, my Lords, what remains of the noble Earl's Bill? Why, it is limited to enacting that every person who "compels any person under the age of sixteen years to use or assist in the trade or business of a chimney sweeper, shall, for every such offence, be liable to a penalty not exceeding 10*l.*" This, my Lords, is the whole of what the Bill now proposes to do, and this, I believe, is the very opposite of what the noble Lord intended it should do; for, instead of strengthening the law as against persons who should hereafter compel children to assist in the chimney-sweeping business, it limits to a sum not exceeding 10*l.* the penalty that might now by law be imposed, to any extent commensurate with the possible aggravations of the offence, and makes it doubtful whether any penalty whatever can be imposed for compelling young persons above the age of sixteen years, whether apprenticed or not, to serve in the chimney-sweeping business. I believe that, under the common law of the country, no man has a right to compel another to assist in any particular trade, unless duly apprenticed, but the effect of this Bill will be to enable master sweeps, without the fear of incurring any penalty, to enforce the services of young persons, provided only they be above the age of sixteen, in the very business the noble Earl is so desirous of putting down. I think it very objectionable that so useless, if not so mischievous, a piece of legislation should receive your Lordships' sanction. That, however, to which I chiefly object in the Bill is the preamble, which declares that it is expedient that the provisions of the 3 & 4 *Vict.* c. 85, should be extended; for there is, my Lords, abundant evidence to show that that Act of Parliament is impracticable, and, from that very circumstance, a dead letter in the greater part of the country. The noble Earl himself has stated that there are upwards of 4,000 climbing boys employed in different parts of England, in defiance of the Statute, and when last the question was before your Lordships a noble Marquess opposite stated, even respecting his own house in Scotland, that it would be impossible, without the aid of climbing boys, to effect the cleaning of the chimney flues. Then, with regard to Ireland, I do not hesitate to express my belief, that wherever turf or peat is used for fuel, it is impossible to comply with the Act of Parliament, as the soot generated by the combustion of turf cannot be removed from the flue by any machinery that has yet been invented. Having questioned the propriety of the noble Earl's attempt at legislation upon the subject last year, I made it my business to inquire in the different corporate towns of Ireland, and from parties resident in different districts of the country; and I found the opinion quite general, that the Act could not with safety be enforced. I should also observe, that I communicated with the architect of the Poor Law Commissioners, by whom nearly all the workhouses in Ireland have been built subsequently to the enactment of the law against the employment of climbing boys, and his answer was, that where peat fuel was used, he believed the flues could not be swept by machinery. My own opinion having been thus confirmed, I felt it my duty to oppose the noble Earl's Bill, and although in the Select Committee that was in consequence appointed, no witnesses were examined but those called by the noble Earl himself, the evidence was such that the Committee could not report in favour of the Bill being proceeded with, and it was therefore lost. Now, my Lords, the circumstances of the case being such as I have described, it was certainly matter of much surprise to me, that the noble Earl should have reintroduced his Bill this Session, still more was it matter of surprise to me, that he should have obtained from a Select Committee a Report in favour of proceeding with it. I will not reiterate to your Lordships the objections I lately urged against the manner in which that Committee was appointed. Who the noble Lords were that really served upon it, I have not yet been able to discover; but it is remarkable, considering how the Bill has since been attacked and stripped of its chief provisions, that not one of them should have ventured to address to the House one word in its favour. The fact is that the Select Committee was named and used as a mere matter of form, and the object of the Standing Order for its appointment, viz. to guard against injurious interference with trade, was altogether disregarded. The noble Earl, I am sure, is animated by the best motives in the course he has been pursuing in his legislation with respect to the business of chimney-sweeping; but having made it very clear that he has failed of affording to the children employed in the trade the protection he had intended, and that the law upon the subject is almost inoperative, it behoves the Government to take up a question of such admitted importance, and to ascertain, through the inquiries of unprejudiced persons, for what reason the law has failed, and to propose such amendments of it, or such other measures, as may be at the same time practical and consistent with the public interest, with a view to ameliorating the condition of those whose employment in the business of chimney-sweeping may be indispensable. I am sorry that the noble Earl should consider me as having been wanting in courtesy to him in the manner in which I have opposed his Bill. I can assure him that, in common with your Lordships and the public, I honour him for his great services and exemplary zeal in the causes of religion and of humanity, but I cannot allow personal considerations to interfere with the fulfilment of public duty. In the present case I think the noble Earl has shown a "zeal not according to knowledge;" and as I regard the Bill upon the table as one that could be of no advantage to the public, but that would reflect discredit upon the House, I feel it my duty to ask your Lordships to put off the third reading to this day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months").

On Question, That ("now") stand part of the Motion, *Resolved* in the *affirmative.*

Bill read 3^a accordingly, and *passed;* and sent to the Commons.

THE WAR WITH RUSSIA—QUESTION— OPERATIONS IN THE BLACK SEA.

The Marquess of CLANRICARDE wished to know from Her Majesty's Government whether any information had been received, or any further reports made by our officers respecting the operations of the Russian fleet on the eastern coast of the Black Sea, in addition to the papers already on the table? because he must say, with reference to the conversation which took place in that House on a former evening, the Report which had been delivered to their Lordships the day before yesterday, so far from contradicting the account of the affair published upon official authority by the Russian Government, entirely confirmed the material statements contained in the Russian report. It would be in their Lordships' recollection that his noble and gallant Friend opposite (the Earl of Hardwicke) referred on a former evening to the operations which the Russian fleet were said to have successfully carried out, on the eastern shore of the Black Sea, namely, the destruction of several forts which it was no longer thought desirable to occupy, and the removal of the troops who were garrisoned there to a point where they would be more useful in the war in which Russia was engaged. On that occasion, although not anxious to take any part in that conversation, yet, after the observations that then fell from the noble Earl the Secretary of State for Foreign Affairs, he could not refrain from saying that the version of the transaction published by the Russian Government differed very greatly from the noble Earl's representation of what occurred. The noble Earl stated, first, that the Russian operations were not of the character and importance that had been assigned to them; secondly, that the evacuation of these forts by Russia was the best proofs that we were the masters of the Black Sea; and, thirdly, that the news of the declaration of war by Her Majesty against the Emperor of Russia not having arrived in those waters, it would not have been consistent with the instructions that had been given to the Admirals commanding the allied fleets to have prevented the operations of the Russians. Now, this last assertion was one of very great importance; because, if it was necessary for the allied squadrons to wait for the intelligence of the declaration of war before interfering to prevent such an operation on the part of the Russian fleet, then he (the Marquess of Clanricarde) said that faith had been kept neither with this country nor with our allies. For it was distinctly stated by Members of the Government in both Houses of Parliament, after the massacre at Sinope had excited such universal indignation, that orders had been given to the Admirals commanding the fleets in the Black Sea to prevent the possibility of any such disaster occurring to Turkish ships again, and to confine the Russian fleet in the port of Sebastopol, and not allow them to undertake any operation whatever. The phrase used by the First Lord of the Admiralty in the other House was "that no Russian ship of war should be permitted to navigate the Black Sea." And more particularly with respect to this very class of operations, the noble Earl, adverting to his (the Marquess of Clanricarde's) observation, on the 14th of February, distinctly stated that if we were not to interfere in the manner in which the Government proposed to do, we might have "passively to witness the spectacle of the Russian fleet moving its forces from one part of the Russian dominions to another." A menace to the same effect was held out to the Russian Admiral, and, indeed, of this very menace the Emperor himself had complained. Now we had the Russian report of these operations to which he (the Marquess of Clanricarde) had referred, very correct rumours concerning which operations were reported in this country; but it was astonishing how very late correct information on the subject had been received by Her Majesty's Government. First of all, the Russian Government published, by authority, an account of these transactions, and that account was now entirely corroborated in all essential particulars by the report which Captain Jones had sent to Admiral Dundas. The official statement of the Russian Government was, that under present circumstances these forts on the eastern coast of the Black Sea were no longer desirable to be held or occupied by Russian troops; and as to the argument of the noble Earl (the Earl of Clarendon), that the destruction of these forts proved our mastery of the Black Sea, why the fact was that these forts were never erected for maritime purposes, or at least were never intended to sustain an attack from a hostile fleet. It was naturally most important to Russia to withdraw the troops from these forts, and to concentrate them where they would be effective against the Turkish forces and against our own. The Russians performed this operation successfully, according both to their own account and to that of our officer. It was true that our officer said there were but four transports, while the Russian account mentioned five; but this discrepancy was accounted for by the circumstance mentioned in the latter accounts, that one of the transports was unable to perform her service. There seemed no reason to doubt the accuracy of the Russian statement, that the number of men removed was 5,000; but suppose one-half were deducted, the remainder, 2,500 men, was a most important accession to the Russian forces, and their removal was a most important military operation. Why, in a former war, 2,800 men held the island of Minorca against 10,000 for three months. The instructions to the captain of the *Sampson* were, that he was to reconnoitre, and he was cautioned not to approach a vessel superior in force to his own. The noble Earl (the Earl of Clarendon) said that these Russian vessels were but Post Office packets, and were too insignificant to be interfered with. If an officer was not to interfere with Post Office packets or insignificant vessels, and was at the same time forbidden by the Admiral to approach a vessel superior to his own, he (the Marquess of Clanricarde) did not see what military duty he was to do. He was, however, informed that these vessels were not so insignificant, and the officer himself said that they "ranged under the batteries and cleared for action." He said that our vessels did not take these vessels because they were in port, but he afterwards spoke of their being in an anchorage. They were in no port. If the promise given to Parliament was to be avoided by saying that when a vessel could run in-shore it was to be safe, and to be considered in port, this would be paltering and trifling with the sense of those to whom such reasoning was addressed. He believed that these vessels were of the same class as the *Stromboli*. The operation which they performed was a most important one, and he could not believe that if the Admiral had had positive orders to employ the whole of his force to attack any Russian fleet that was found out of port, he would have remained at anchorage in Beicos Bay, and have sent only two frigates, with orders not to attack a superior force, to the other end of the Black Sea, to carry out the instructions he had received, namely, to keep all Russian vessels strictly confined within the port of Sebastopol. From what they had heard to-day, it appeared that he was ready enough, when free to act, to make a move that should be of effect. He could not but blame the Government that they should have used a menace to the Emperor of Russia which they were not fully and in every respect prepared to carry out in a manner becoming the dignity, influence, and character of this country. We prevented the Turkish fleet from attacking the Russians, and while we professed to keep the latter in port, an operation was performed before our fleet, of which we seemed to have taken no notice. This was calculated to produce a very bad impression in the countries adjacent to the scene of these operations. He had thought it necessary to make this statement, because the veracity of what he stated the other evening had been called in question, and he wished, in conclusion, to ask his noble Friend (the Earl of Clarendon) whether he had received any further report upon this subject?

THE EARL OF CLARENDON: My Lords, in respect to the question with which my noble Friend concluded his speech, I have to say that the Government has had no further reports with respect to the operations in question beyond that which Parliament is already in possession of. I have certainly listened, perhaps not with surprise, but with some regret, to the speech of my noble Friend; for, though at the termination of his speech he did make a charge against the Government, the whole of his speech was, in fact, a charge against the naval officers commanding on the Black Sea station. It is quite extraordinary to witness the pertinacity with which the noble Marquess insists upon placing faith in the correctness and veracity of Russian reports in general—I suppose, founding himself upon the veracity and correctness that have distinguished the Russian statements for the last six or seven months; but I am happy to think that all those persons with whom I have communicated since this despatch was laid upon the table do not share the opinions of the noble Marquess, and do not think that the peculiar duty with which these officers were charged was performed in that slack, and, I must say, that cowardly manner, in which he charges them with having acted. The duty which these officers were called upon to perform at the time in question was not to go and prevent any military operations, of which nothing was known, as the noble Marquess would have you to understand. They were simply sent to make a *reconnoissance*—they were narrowly to observe the Russian line of forts along the coast of Circassia, and the Crimea, and the facilities for approaching and landing at various points. My Lords, that was a very proper instruction to give, and a very proper precaution to take, before war was declared; but although the Admirals were expecting it to be declared, it would have been monstrously improper if any act of hostility had been committed by our fleets until it was actually declared. The Report of these operations is dated the 16th of March, and is founded upon an instruction of Admiral Dundas, dated the 8th of March, at which time he could have had no news from England later than the end of February. Knowing, as they must have done, what were the state of the relations between this country and Russia, and ignorant, as they must have been, of whether the differences between Russia and the Porte were not at that moment capable of being settled, it would have been most unpardonable if the commanders of these vessels had gone beyond their instructions. [The Marquess of CLANRICARDE: Hear!] My noble Friend cheers. The instruction to our Admiral with regard to Russian ships were these—as the House had had full opportunity of learning for themselves, the instructions being by no means a matter of secrecy—they have been laid before Parliament and they have been communicated to the Emperor of Russia—they were, to assume the complete mastery of the Black Sea, and that if any Russian ships of war were met cruising in that sea they were to be required to return to the nearest Russian port. It was under these instructions of December that Captain Jones acted; and it appears that the Russian naval officers were perfectly aware that he was acting under these instructions, because your Lordships will observe that the moment they saw the French and English vessels they set off for port, and one of them, having in tow a transport in which were troops, cut it adrift in order to get out of the way of the vessels of war. My noble Friend (the Marquess of Clanricarde), quoting the *St. Petersburg Journal*, says that 5,000 effective troops have been removed from the Circassian coast, and he then tells us the great service that these 5,000 troops will perform when they are carried to Sebastopol, and what 2,800 did in an island in the Mediterranean. But the first proof he gives of the confidence he has in the journal which he quotes, and upon which he asks your Lordships to rely, is to divide the number mentioned by one-half. He says 5,000 first-rate troops are brought away, and will do infinite mischief, and then proposes that, to allow for exaggeration, we should take the number at 2,500, and argues about the great mischief which they can do when combined with the garrison of Sebastopol. I should be disposed to diminish the number much more, because all that I see is a mention of 300 men and 150 men. These are all the troops which we hear of being brought away from these fortresses. Then, with respect to the ships. It is true they had each four 68lb. carronades, one on each broadside forward, and one abaft. My noble Friend says they cleared for action. What does Captain Jones say? "They were in great confusion, and, had it been our intention to attack them, very assailable." I have not the least doubt that the *Sampson*, which had on board six heavy guns and 200 men, assisted by the French frigate of about the same force, could with the utmost facility have sunk all the Russian ships; but they abstained from doing it, in obedience to their instructions, which did not permit them, nor was it likely they would permit them, to commit acts of hostility against Russia before war was declared. My noble Friend would have had us, during the last six weeks during which the negotiations were pending, without giving notice to Russia of being at war with her, commit acts of hostility against her. Now, my Lords, I have not the least doubt that Captain Jones and the gallant French officer who was with him, who entirely approved of and agreed with him in all he did, made a great sacrifice of their feelings in abstaining from attacking the Russian vessels. I believe they felt they were foregoing a great advantage which they might easily have effected. I have no doubt it would have been more agreeable to them, and perhaps to the public, who do not reason very closely on matters of this kind, if the French and English officers had obtained a victory and sunk the Russian ships. But, my Lords, such an advantage would have been gained at a cost which I hope we shall never incur—at the cost of dishonour—and would have given to the Emperor of Russia an advantage which—whatever other advantage my noble Friend may attribute to him—I hope he will never enjoy, that of having us clearly and distinctly in the wrong. My noble Friend seems to think I have spoken too lightly of these vessels. I beg my noble Friend and your Lordships to believe that I am not in the habit of making to this House any statements for which I do not conceive that I have sufficient authority. There were one or two matters, not mentioned in Admiral Dundas's despatch, to which I adverted in the few remarks that fell from me the other evening, which were gathered from a private letter from the Admiral. I have obtained the permission of my right hon. Friend the head of the Admiralty (Sir James Graham) to read a portion of that letter, in order to justify what I then said. The letter states—

> "He (Captain Jones) was most opportunely on the Circassian coast at the moment of the destruction of several forts of the Russians. The Circassians had possession of the coast, and were plundering the ruins of the fortresses—a matter most important for us to know before war was declared. Captain Brock and several officers landed, and were cordially welcomed by the Circassians, who told them that all the forts were destroyed, or were to be so, except one."

Your Lordships will observe that this was the first time that we had been in direct communication with the Circassians—also a most important point.

> "Captain Jones had a great deal to do with the Russian transport, but I consider he acted strictly according to the order we have received, ordering all ships to return to the nearest port."

Then, with respect to the picked troops, on whose services my noble Friend seems to place so much reliance, in consequence of what he gathers from that authentic source, the *St. Petersburg Journal*—these people who are inured to hardships, and whose services will, therefore, be so valuable, Admiral Dundas says—

> "I understand all the soldiers on board the vessel belonged to different regiments, as was observed by the numbers on their caps. This corroborates a statement made by one of the pilots, that the forts were manned by soldiers condemned to punishment. There is now no longer any communication by land from the north to the south of Circassia, and supplies to those forts which Russia occupies must be got by sea, or where the inhabitants are friendly by land. I apprehend the Russians would not have taken this singular step if it had been possible to retain possession of the forts, which I find were of stone, erected at great expense, and entirely supported by sea communications. The six steamers were packets from Odessa to Constantinople, and one of them was the vessel Mr. Elcock, the engineer, was in."

I think, then, that I was justified in stating that they were Post Office packets. But my noble Friend seems to think that Her Majesty's Government have not fulfilled the expectations they held out to this country and to the Emperor of Russia, when we said we intended to be masters of the Black Sea. My Lords, I consider the intention of the Government to have been most fully carried out. It may not have been so according to the view of my noble Friend, that the whole fleet ought to have been cruising in the Black Sea during the whole of the winter; but had it done so, I am sure that he would have been the first to have brought under your Lordships' notice—and very properly so—the disabled state in which that fleet would have been at the moment when it was most required for effective service. I say that, to all practical intents and purposes, we have carried out our declaration, and have remained masters of the Black Sea. The great object which we had in view was to enable the Turkish Government to convey troops and stores to its Asiatic possessions, and every time the Turkish Government desired to do this, it has been enabled by Her Majesty's fleet to do so. Before these instructions reached Constantinople, Lord Stratford had informed the Government that the Turkish fleet was entirely locked up in the Bosphorus, that it could not convey troops and stores for the reinforcement of different posts where they were required, and that without the aid of the allied fleets they must remain in that helpless condition. My Lords, by the assistance of the English and French fleets, troops and stores have been conveyed to every portion of the Asiatic possessions of the Sultan; and no Russian ships of war have—to the knowledge of Her Majesty's Government—come out of Sebastopol. It is perfectly true that these—I may call them small vessels—these six packets did come out from Sebastopol, and were employed in burning and destroying certain forts, and in bringing away the men by whom they were garrisoned; and who—although the noble Marquess said the other night that this operation had been performed with a fearless disregard of the allied fleets—were embarked at midnight. Anybody who knows the nature of the Black Sea, who knows the advantageous situation of Sebastopol, and the prodigious advantages which the Russians in consequence enjoy, and who knows that the allied fleets have to overlook and defend 900 miles of coast during a winter of more than usual severity—a severity which, by the last accounts, is by no means over, for one of the severest days of the whole year was Good Friday last—must admit the extreme difficulty of such a service. I am satisfied that there is no naval man in this country who will say it is possible entirely to prevent a ship or two slipping out at some time or other from Russian ports in the Black Sea and slipping back again. But to say that that in any way nullifies our assurance, or that we remain one bit the less masters of the Black Sea, or less capable of carrying out the intention we announced, is, I say, a mere mockery of the House. Having said thus much, I really must be allowed to add—re-echoing what fell from my noble and gallant Friend opposite (the Earl of Hardwicke)—I must express a hope that, now we really are at war with Russia, criticisms in the spirit which I fear animates my noble Friend (the Marquess of Clanricarde) may in future be avoided. I do not complain of any attack upon Her Majesty's Government; I think that is all right; but I am quite sure my noble Friend does not know as I know the deep annoyance, or rather I should say the mental anguish, that some of these statements have caused to men as gallant and as devoted to the service of their country as any whom England ever knew. I do think that, when we consider the peculiar nature of the service in which these men are engaged, some latitude ought to be left to men like Admiral Dundas and Sir Edmund Lyons; and that, at all events, the country until it obtains accurate information will trust in their zeal, and will prefer a Report made by Admiral Dundas to the leading article of a Russian newspaper.

The Marquess of CLANRICARDE said, that he had been totally misrepresented by the noble Earl (the Earl of Clarendon). He told the noble Earl that it was not of the officers, but it was of the Government—it was of the vacillation, the bombast, and the uncertain and wavering conduct of the Government, that he complained. He said that the Government had no right to use the menace which they had done to the Emperor of Russia, unless they were prepared to give to the Admirals and to the officers under their command instructions to carry it out; and they had not given such instructions. In a former debate he (the Marquess of Clanricarde) had said what the noble Earl had said to-night, that you had no right to interfere with the communications of Russia before declaring war. In reply to him, the noble Earl said:—"But my noble Friend seems to complain that Russia was not allowed to transport her forces from one Russian port to another in the Black Sea." The noble Earl complained that he (the Marquess of Clanricarde) should make any objection to such a hindrance, so determined in language was he that nothing of that sort should be permitted, lest we should see enacted before our eyes another affair of Sinope—an affair which filled all men with indignation—which it was, perhaps, well for the Government happened while Parliament was not sitting, and the popular feeling excited by which had, he believed, caused the language of the Government to be stronger than it would otherwise have been, and he said, "Why, if we had permitted that we should have had to remain passive spectators of the transport of Russian troops to Trebizond or the most distant ports of the Black Sea, or to have passively witnessed the spectacle of the Turkish fleet interfering with such an expedition and insulting it." Why, these were the very things of which he (Lord Clanricarde) warned them when they used their bombastic menace to the Emperor of Russia. He (the Marquess of Clanricarde) did not complain, as he had said before, of the officers in command of our fleets; he complained that the Government had threatened to do what they were not prepared to give their officers instructions to do. The instructions which had been issued to the Admirals had not been laid before Parliament; but the right hon. Gentleman the First Lord of the Admiralty had twice said in the same speech, "Distinct orders have now been issued by the French and English Governments that no Russian ship of war shall be allowed to navigate the Black Sea, if the English and French force can prevent it." He (the Marquess of Clanricarde) said that that was not carried out. The noble Earl had read a private letter. Now he (the Marquess of Clanricarde) knew from a private letter that it was well known in the fleet that operations for the removal of the Russian troops were about to be commenced, or had been commenced, on the eastern shore of the Black Sea when the *Sampson* and the French steamer were despatched to that quarter, and Admiral Dundas, in obedience to his instructions, gave them the caution which had been referred to, because, had he not given that caution, the officers would have attacked, and probably would have sunk or destroyed the Russian vessels. He considered that the removal of the Russian troops from Circassia was a military operation of great consequence, and one which Her Majesty's Government had allowed, but had said they would not allow, a declaration or engagement which the Government ought not to have made unless they were prepared to enforce it. The operation to which he referred could have been prevented with great ease, and he would venture to say that Admiral Dundas would have taken good care to prevent it if he had been permitted to do so. His observations were not, however, directed against him, but against the Government; nor were they founded upon the *St. Petersburg Journal*, except so far as related to the number of men. The complaint he had to make against the Government was the same as he made when they asked for half a year's double income tax to provide the means for carrying on a war between England and Russia, namely, that they were not prepared to look the matter in the face when they ought to have done so.

THE EARL OF HARDWICKE wished to express his opinion that the noble Marquess opposite had not said one word which in any way reflected upon or condemned the conduct of the British officers in the Black Sea. He did not understand that his noble Friend alluded to those officers in any way, except in so far as they were concerned in carrying out the instructions of Her Majesty's Government. He did, however, understand the noble Marquess to complain of the manner in which certain statements had been made to Parliament and to the public, while the declarations of Her Majesty's Government had not been carried out by the fleet in the Black Sea. He (the Earl of Hardwicke) felt how necessary it was to abstain from any expression of opinion with regard to the conduct of the officers employed in the Black Sea. He might observe that Captain Jones, of the *Sampson*, to whom allusion had been made, was very well known to him, and was a distinguished officer of tried ability in Her Majesty's service. Indeed, he was the officer who, some time ago, had successfully conducted most difficult operations at Lagos, on the African coast, and anything that could be said of him could be only in terms of praise. He (the Earl of Hardwicke) complained of the same thing of which the noble Marquess complained, and from which the noble Earl (the Earl of Clarendon) had endeavoured to draw off the attention of the House, by directing their attention to the position of the commanders of the Black Sea fleet, instead of to the political aspect of the question, and he (the Earl of Hardwicke) would therefore beg to call their Lordships' attention to some facts connected with the orders and instructions which were supposed to have been given to those commanders with reference to the mode in which their operations were to be carried on previously to the declaration of war. Public attention had been very generally directed to the statements put forward with regard to the instructions that had been given to Admiral Dundas, and which were said to be, that every Russian vessel seen in the Black Sea should be requested to proceed immediately to Sebastopol or some other Russian port. [A noble Lord: Should be required.] Well, either "required" or "requested;" but, whatever the word was, it would, of course, be a civil word. He hoped, in conducting affairs of this kind, that they would conduct them like gentlemen. Although the Russian captains might have been requested to return to Russian ports, of course the British cruisers meant to say to them, "If you don't go back we will knock your brains out." That was understood to be the real meaning of the intimation. The Emperor of Russia, in a manifesto addressed to his subjects, complained bitterly of these instructions. This was one of the points with regard to which the Emperor said that great injustice was done him, and he complained to the Cabinet of this country, through Baron Brunnow, of the injustice of preventing his forces from acting upon his own coast, although full action was permitted to the Turks. The Emperor had published a manifesto explaining his case, and he put forward this circumstance as one of the causes of war between England and Russia. If, then, Her Majesty's Government so far offended the Emperor of Russia, and felt it necessary to make such strong declarations, how came it that they had not courage to carry out their views? He thought they had much better have avoided altogether so irritating a topic; but, after the declaration of the Government had been issued. they permitted a great military operation to be carried on by Russia in the face of a gallant officer, Captain Jones, who was in command of a force which would have enabled him with ease to prevent that operation. This was what he (the Earl of Hardwicke) complained of. He considered that Her Majesty's Government should have either abstained from any threat, and have adopted conciliatory measures, or that, having employed a threat, they should have carried it out in a vigorous, honest, and statesmanlike manner.

THE DUKE OF NEWCASTLE: My Lords, I rejoice that this discussion has, at any rate, brought out two facts; one that, whatever may have been the purport of the speech of the noble Marquess (the Marquess of Clanricarde), as regards words, the meaning of it was not intended to imply any charge against the officers in Her Majesty's service. But I entirely deny the statement of my noble and gallant Friend opposite (the Earl of Hardwicke). The speech of the noble Marquess was, from its commencement, so far as words have value, a charge against the officers, and it was only towards the close that he made any observation which could at all be considered to be a charge against Her Majesty's Government. However, we now know what he means; and as emphatically as my noble Friend just now denied the justice of any imputations against the officers in Her Majesty's service connected with these transactions, so I deny the assertion of my noble and gallant Friend opposite (the Earl of Hardwicke). What is it my noble and gallant Friend means? What did the noble Marquess mean just now, when, pursuing a course of most extraordinary irregularity, he not only made a second speech, but produced certain extracts which he had studiously reserved with regard to a point of his first speech on which he had already been replied to by my noble Friend behind me (the Earl of Clarendon). He produced certain extracts—garbled extracts—from speeches made in the course of the present Session, with a view to prove a third charge which he made against Her Majesty's Ministers. Beginning by charging us with vacillation, and next with bombast, and stating these charges broadly in these two offensive words, he, by implication, made another and a much more disgraceful accusation—namely, one of falsehood—[The Marquess of CLANRICARDE: No, no!]—of falsehood. The noble Marquess stated distinctly that the Government had made representations to this House as to the instructions issued to Admiral Dundas, which instructions they had not given—and he added that he could prove it, which he attempted by such extracts as he read. My Lords, I entirely and indignantly deny that charge. There has been no mis-statement on the part of the Government with regard to the instructions which were issued to Admiral Dundas. My noble Friend at the head of the Foreign Office has stated distinctly on more than one occasion what the nature of these instructions was. I say that these instructions were sent out, and that these instructions have been literally acted upon. What these instructions were my noble and gallant Friend opposite (the Earl of Hardwicke) did not much, though he did a little, misrepresent. They were these:—After the unfortunate affair at Sinope—which, however deeply regretted by the Government and the country, cannot be characterised as reflecting either upon the Government or upon the fleet in the manner represented by the noble Marquess—after the unfortunate affair at Sinope, it was our determination, although not at that time feeling that we were arrived at a point at which we ought to discard every hope of the maintenance of peace, to take every precaution so far as human means could, that such an affair should not again occur. What was the course adopted, and what were the instructions sent? Instructions were immediately sent to the Admiral of the fleet in the Black Sea, to protect not only the Turkish territory, but the Turkish flag; and in so doing, and with the view of carrying out that object, if any of our vessels met, in any part of the Black Sea, a Russian fleet, or Russian ships of war, to desire them—in terms no doubt such as my noble and gallant Friend represents—to retreat into the nearest Russian port, and—what my noble Friend has omitted to state—if they refused to comply, to compel them by force to do so. These were the instructions sent out by the Government. These were the instructions which we told the House had been sent out. These were the instructions which were communicated to the Russian Government, and which were known to them, and which were proved to have been known to them by the course which they took on the earliest subsequent occasion. Is there any noble Lord in this House—is there any man in the country—surely not my noble and gallant Friend opposite—who would have called on the Government to give secret instructions to the fleet, before a declaration of war was made, to destroy the Russian vessels? I cannot believe for one moment, whatever party feelings of hostility to the Government may exist, that there is any noble Lord who, however he may wish to disgrace the Government, would wish to disgrace the country by such a transaction. I say these were the instructions sent out. They were instructions which the noble Marquess himself, in a spirit of hostility to the Government, on a former occasion condemned—not because they were too weak, not because they did not meet the obligations cast upon the Government by the circumstances of the case—but because, as he said, the Russian Government had the greatest reason to complain of our having taken such strong measures before a declaration of war. Certainly it was nothing but the peculiar circumstances of the case—the necessity of defending the Turkish territory and the Turkish flag—which could have justified so strong a measure. But that measure, strong as it was, was carried out in spirit and in the letter. What took place on the occasion to which the noble and gallant Earl has just referred? He regrets, no doubt, that we have been prevented from obtaining a victory upon the shores of the Black Sea by destroying the enemy's forts. Now, the Russians had themselves destroyed their own forts for us. I don't express any opinion with regard to that event, though perhaps I may join in the regret of my noble and gallant Friend. But, at any rate, the object was accomplished. The Turkish flag and the Turkish territory were not in this instance endangered. Russian ships with guns on board—they might call them vessels of war or not as they pleased—were seen by the officers of a British ship acting under instructions which had been sent to them; and if these Russian vessels had not, acting on a knowledge of those instructions, immediately retreated into a Russian port, the officers, according to their instructions, would undoubtedly have compelled them to do so. I cannot understand what, in the name of honour, is the accusation against the Government, and I wish the noble Marquess would resolve it into a charge of some kind or other, for then it might be answered; but I know not what the noble Marquess wishes, unless it be that we should have instructed our officers in a somewhat piratical manner to attack and destroy any Russian ships which they found afloat on the Black Sea which were not of sufficient strength to meet them, before the declaration of war entitled us to take those steps which under the distinct orders issued to them the officers of every one of our ships will undoubtedly take now that war has rendered them legitimate and necessary for the vindication of the national honour.

THE EARL OF MALMESBURY said, this was the first time he was made aware that noble Lords were not at liberty to make criticisms upon the conduct of the Government, or to use such language in their criticisms as they might think proper. He had always thought they were at perfect liberty so to do, but the contrary appeared now, for the language of the noble Duke seemed to express some astonishment at the remarks of the noble Marquess, and almost seemed to imply that noble Lords had no right to make such observations. But he himself, and the noble Lords sitting behind him, entirely coincided in the construction they put upon what the noble Marquess had said. He could see in those observations no attack whatever upon the officers of the fleet in the Black Sea. So far from attacking Captain Jones, of the *Sampson*, the noble Marquess complained that Captain Jones had too literally obeyed his orders, and animadverted on the fact that such orders should have been sent out by the Government. He begged to call their Lordships' recollection to the time when these instructions were given, and the circumstances which attended their promulgation. It was of some consequence to remember the exact words of the English instructions, sent to the English Admiral—and the particular word to which he would call their attention was, "require"—when the Admiral meets a Russian ship in the Black Sea, he is to "require" that ship to enter a Russian port. But what were the words of the French order? The word in the instructions to the French Admiral was *contraindre*, "constrain" them to return. The noble Duke opposite (the Duke of Argyll) seemed to laugh, and think this was a distinction without a difference. He was rather astonished at that, as the noble Duke was one of the greatest purists in language. Whatever the noble Duke might think of the matter, the Admirals and Ambassadors, when they came to consider the words, thought there was a great difference in the meaning of the words, and that this difference might occasion some confusion in their mode of action. The noble Duke (the Duke of Newcastle) must know, as a Cabinet Minister, that the question was discussed as to which of these words was best clearly to act upon, and as to whether force was to be employed, and what amount of force. The fact he (the Earl of Malmesbury) was stating appeared in a letter which had been published in the blue books. All this arose from what he (the Earl of Malmesbury) believed to have been a great mistake, and that was, the challenge so publicly given to the Russian Government—by sending to Sebastopol, and threatening to do what they could not do. He did not complain of the slackness of the officers; but the Government had owned, themselves, it was impossible in a stormy winter, in a terrible climate like that, and in a sea so dangerous, that what they threatened to do could be done. Surely, in such a case, they had better not have said anything upon the subject, while war was impending; or, rather, they should have waited until the declaration of war, or contented themselves with observing the Russian fleet with such vigilance as the season and the circumstances would allow, so as to prevent the occurrence of another such lamentable affair as that of Sinope—without sending a presumptuous cartel like that which was sent to Sebastopol. It was placing the country and the officers in a humiliating position, to make the officers boast at Sebastopol, and then to place the gallant captain of the *Sampson* in a situation to see a great military operation going on without being able to interfere. This was what noble Lords complained of. They did not say one word against the Admirals or against the officers, but they said that this was a great mistake made by Her Majesty's Government, and, as he understood the observations of the noble Marquess, they were entirely confined to that point.

The Duke of ARGYLL said, he did not deny that there might be a difference between the two words to which the noble Earl had referred, and that there might be a certain force in the French word which might not be implied in the English. He could only say that the intimation as given at Sebastopol, and to our Admirals, was perfectly understood to be this—that if Russian men-of-war were found in the Black Sea, they were to be "required," civilly at first, but imperatively in the event of a refusal, to return to the Russian ports. He felt perfectly sure the noble Marquess did not intend to make any attack whatever upon the character of the officers. The spirit in which the noble Marquess (the Marquess of Clanricarde) made the attack was too apparent: it was in a spirit of party hostility to Her Majesty's Government, and nothing else. But what they (the Government) said was this—not that the observations were made in the first place to attack the officers, but the position of the Government being unassailable, they did attack virtually the conduct of the officers. The instructions sent were that Russian ships should be forced to return to the nearest ports, and the officers having these instructions thought that retiring under a Russian fort in a Russian bay could fairly be construed as retiring to a Russian port. He must say that he conceived the intimation which was made to the Emperor of Russia had been entirely carried out when directions were given that no operations should be allowed in the Black Sea. The intention of the Government no doubt was, to prevent Russian troops being carried from one place to another in the Black Sea, for the purpose of attacking the Turkish territory. No doubt, if Captain Jones, of the *Sampson*, had met any vessels coming out of Sebastopol, he would have obliged them to return; but he met none coming out; and it was undoubtedly true that, since the issue of these instructions, the Russian fleet had never shown its nose out of Sebastopol, and no great naval operations had taken place. Does the noble Earl suppose that if it had not been for these instructions, the Russian fleet would not have been out, and have landed troops in many places, and very probably at Varna?—but nothing of that sort had occurred. The noble Earl talked about the bombast of the Government, and on a previous night talked of the Government playing a "game of brag." He (the Duke of Argyll) quite agreed with the noble Earl in condemning a "game of brag," by whomsoever it was played; but there was a game of brag played which the noble Marquess (the Marquess of Clanricarde) did not seem to be aware of, and that was the Russian brag in the documents published in the *Journal of St. Petersburg*; and if that brag always found an echo in their Lordships' House, these kind of discussions would never end.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 5, 1854.

MINUTES.] NEW WRITS.—For Devonport, *v.* Right Hon. Henry Tufnell, Steward of Northstead; for Hastings, *v.* Musgrave Brisco, Esq., Chiltern Hundreds.

PUBLIC BILLS.—1° Gaming Houses; Public Libraries.

THE CIVIL SERVICE—QUESTION.

MR. LABOUCHERE: Sir, I beg to put a question to the right hon. Gentleman the Chancellor of the Exchequer, for the purpose of ascertaining if any measure is to be introduced by Her Majesty's Government with regard to the Civil Service? If any such measure is to be introduced into this House during the present Session, it should be introduced at a period when the House would have ample opportunity for that discussion and deliberation which, from the importance of the question, it requires. I beg to ask, therefore, whether the Government intend to introduce any measure with regard to the arrangement of the Civil Service during the present Session; and if so, at what period of the Session it will be introduced?

THE CHANCELLOR OF THE EXCHEQUER: I entirely agree, Sir, with my right hon. Friend, that a measure relating to the Civil Service is one that would require a good deal of the attention of this House, and that it would not be expedient to introduce such a measure except under circumstances that would give a reasonable assurance of its receiving the attention that it deserves, and also of the House being in a condition to give it that attention. The Government have thought it to be their duty to reserve the consideration of the question, and the bringing in of such Bill, until a period of the Session when they could form a judgment whether there was such reasonable prospect or not. The Government are of opinion that there would be no prospect, if they introduced a Bill for improving the system of admission to the Civil Service, of bringing it under the consideration of the House in an adequate and satisfactory manner during the present year; and therefore it is not their intention to submit any such Bill to the House during the present Session. At the same time, I must say that the Government will reserve to themselves the liberty of considering the question further during the recess, and of taking such measures, and advising Her Majesty in such way, as they shall think most conducive to the public service. But there is another question immediately connected with the question of admittance to the Civil Service that deeply interests the members of the Civil Service, and with regard to which on a former day I gave a promise that I would announce the intentions of the Government as far as I was able, when I was replying to the question of my right hon. Friend—I mean the question that relates to the superannuation fund of the Civil Service. A claim has been made by a large number of gentlemen who belong to the Civil Service, including some of the greatest eminence, and most meritorious public servants of the day, for the entire abandonment of the contribution now paid by law by civil servants to the superannuation fund, and the resumption by the public of the whole charge for pensions. The Government do not recognise the justice of that claim, and consequently are not prepared to introduce a Bill to alter the Superannuation Fund Act on any such ground, or with any such view; but there are, however, other points with respect to the Superannuation Fund Act on which the Government might think it their duty to submit a measure to the House. The Superannuation Act no doubt would admit, in the opinion of the Government, of material amendment in various parts of it; and likewise there is an allegation of the civil servants, founded upon computations they have caused to be made, which deserves, and has received, the careful consideration of the Government. The effect of that allegation is that the charge to which the Civil Service is now subject, with a view to the formation of a superannuation fund, is a charge that will ultimately be much more than sufficient to defray the entire burden of civil pensions. This is a question involving extremely complicated calculations. It required a long time for the members of the Civil Service to state it as they wished to state it, and those whom the Government have employed for the investigation of difficult questions of computation of that nature have not yet been able to put us in full possession of their views, so as to enable us to give a decision on that part of the question of the Civil Service. Of course, if it should appear to us that the contribution now levied from the servants of the Civil Service is so large that it will ultimately do more than compensate the public for the full charge for pensions, that is entirely distinct from ordinary amendments of the law and questions of mere policy; it would come forward as a claim of strict justice that the system of contribution to the superannuation fund should be revised and adjusted. I reserve to myself, therefore, the liberty, when in full possession of the facts, to submit a measure to the House founded on that ground, if there be a sufficient case; but presuming that no such case is made out, it is not the intention of the Government to submit to the House any measure for the amendment of the Superannuation Act during the present Session, but we shall reserve the subject until we can consider it in conjunction with the introduction of other important measures with regard to the amendment of the law to which my right hon. Friend has adverted.

In reply to a question from Mr. V. Scully,

The CHANCELLOR of the EXCHEQUER further stated that the Government had not expressed the intention of laying any plan before the House of Commons, except in the form of a Bill, and he had already said that they would not introduce that Bill in the present Session. He begged to add that the Government had not receded from the intention which induced them to advise Her Majesty to make the assurances that were contained in the Speech from the Throne.

Mr. HUME said, he would suggest that, before any measures were taken, an opportunity should be given to the parties feeling themselves aggrieved to be heard before a Committee of that House.

BOMBARDMENT OF ODESSA—QUESTION.

Mr. FRENCH: I wish, Sir, to know from the right hon. Gentleman the First Lord of the Admiralty whether he has received any account from Admiral Dundas of a successful attack having been made by the ships under his command on Odessa —that certain ships of war have been destroyed—that certain ships laden with ammunition have been taken—that all the fortifications and magazines have been blown up—and that there has been only a trifling loss on our part.

Sir JAMES GRAHAM: Sir, I assure the hon. Member and the House that I am perfectly willing to give them exactly the information which the Government have received. Her Majesty's Government received a telegraphic message this morning from Belgrade, and a communication has been received by the telegraph from Her Majesty's Consul at Varna, giving an account that on the 22nd of April seven steamers of war of the combined fleet bombarded the outer mole of Odessa, and the Russian ships lying within that outer mole; that the greatest caution was observed not to injure private property, and to respect neutral vessels; that they completely succeeded in destroying all the land batteries, the outer mole, and the ships in the outer mole; and that the loss on the part of the combined fleet was, comparatively speaking, small—I think only ten killed and eighteen wounded.

THE RUSSO-DUTCH LOAN—QUESTION.

Lord DUDLEY STUART said, he was desirous to ascertain from the noble Lord (Lord J. Russell) whether, whilst this country is at war with Russia, it is the intention of Government to furnish the Czar with the means of carrying on the war against this country by issuing any sums from the British Treasury towards the principal and for the interest of the debt called the Russo-Dutch Loan, contracted to be paid in consideration of the Russian Government adhering to the general arrangements of the treaty of Vienna, one of such general arrangements being that the navigation of European rivers should be free.

Lord JOHN RUSSELL: Sir, I can only say that it is the intention of Her Majesty's Government to adhere strictly to the obligations of treaties. They think there is not any ground whatever for departing from their engagements.

MILITARY REWARDS—QUESTION.

Major WYNN said, he begged to draw the attention of the right hon. Secretary at War to the Royal Warrant for rewarding non-commissioned officers and soldiers in the Army, dated the 13th day of April, 1854; and to inquire why, when the term of service after which a private soldier becomes entitled to the good-conduct medal and gratuity was reduced from twenty-one to eighteen years in the infantry, a corresponding reduction should not have been made in the term of service required from serjeants and corporals, and the period lessened of ten and seven years in these grades required to entitle serjeants and corporals to receive the reward of their respective ranks; he also wished to inquire the reason why the annual grant to each regiment is made contingent on the numerical strength of the corporals and privates (denominated rank and file), and not on that of the corporals, privates, drummers, and serjeants, it being understood that the two last-named ranks participate fully as much in these rewards as the two first?

MR. SIDNEY HERBERT said, he thought the hon. and gallant Officer had made some mistake in reading the Order, because, in the first instance, he must observe, with regard to the last portion of the question, that in the Army a certain number of rank and file have necessarily a certain portion of non-commissioned officers; and when the warrant speaks of the rank and file having certain rewards allotted to them, it means, of course, to include the non-commissioned officers. With regard to the first part of the question, he would tell him what the object of the warrant was. By the warrant certain sums were allotted to each regiment to be given in rewards to the men after a lengthened period of service. As the reward could in that case only be given when the service had expired, the effect of the example of wearing the medal was lost upon the service; therefore, it was proposed to extend the operation of the warrant by granting a larger sum, and, secondly, to shorten the period at the end of which the medal was to be worn. As to private soldiers, the time at which they became entitled to good-conduct medals had been shortened from twenty-one to eighteen years. With regard to non-commissioned officers, their total period of service had been equally shortened, though the period which they must serve as serjeants and corporals, to attain the rewards appropriate to their ranks, remained the same as before. That was to say, that a serjeant or corporal might get a medal at the termination of eighteen years' instead of twenty-one years' service, but then he must still, as before, have served ten years out of that time as a non-commissioned officer.

PUBLIC BUSINESS—STANDING ORDERS.

LORD JOHN RUSSELL, in moving that the Standing Order relative to the days on which Committees of Supply and Ways and Means shall be fixed, be repealed, said, that the House would perhaps recollect that when it was agreed that Committees of Supply and of Ways and Means should be taken upon other days than Monday, Wednesday, and Friday, to which they were formerly confined, the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) proposed that, if Committees of Supply or Ways and Means were taken on any but the three days he had named, notice should be given on the previous Friday. It did not at the time appear to him that there was any necessity for this; but the Government, nevertheless, agreed to it, in order to get from the House the concession they desired. The restriction had, however, been attended with considerable inconvenience. The right hon. Member for Droitwich (Sir J. Pakington) had lately presided over a Committee appointed to consider the best mode of facilitating the transaction of public business in that House; and after considerable discussion, that Committee had agreed to a recommendation that the Standing Order rendering it necessary to give the previous notice on Friday should be repealed. If the matter admitted of delay, he would have left it along with the other subjects discussed by the Committee for consideration when their Report was laid before the House. But, as it was really very essential that the Government should have the power to fix Committees of Ways and Means on other days than Mondays, Wednesdays, and Fridays, without notice, he would move that the Standing Order rendering this necessary should be repealed.

MR. DISRAELI said, that he was entirely in favour of the proposition of the noble Lord. At the present time, and in the present state of affairs, there were two things which the House would agree with him in thinking to be of the greatest importance: the first was, that the financial business of the Government should be facilitated; and the second, that ample opportunity of discussing their measures should be given to the House. Now, both these objects would be attained by adopting the Motion of the noble Lord. The House would have increased opportunities for discussing any financial measures which might be brought forward by the Government, and the Government would also have increased opportunities of submitting their measures to their consideration.

MR. HUME said, he was perfectly willing to give the Government the advantage they desired, but he hoped that it would not be extended beyond the present Session until the Report of the Committee had been considered.

MR. GOULBURN said, he would suggest the propriety of giving the Government Orders precedence on Thursdays, as well as Mondays, Wednesdays, and Fridays, during the remainder of the Session.

Lord JOHN RUSSELL said, that he was quite ready to limit the operation of the amended Order to the present Session; and as it appeared to be the general opinion of the House that Government Orders should have precedence on Thursdays during the remainder of the Session, he would, on Monday, make a Motion to that effect.

Standing Order relative to the days on which the Committees of Supply and Ways and Means shall be fixed, read, and *repealed.*

Resolved—

"That the Committees of Supply and Ways and Means shall be fixed for Monday, Wednesday, and Friday, and for any other day on which Orders of the Day shall have precedence of Notices of Motions."

SUPPLY—SUPPLEMENTAL NAVY ESTIMATES.

Order for Committee read.

House in Committee of Supply upon the Navy Estimates.

Sir JAMES GRAHAM said, that it was now his duty to propose to the Committee a considerable increase in the Naval Estimates already voted. The Committee would remember that when he had the honour of proposing the adoption of former Naval Estimates the declaration of war had not been made. Still, the state of public affairs at that moment was such that Her Majesty's Government thought it expedient to propose a very considerable augmentation in the number of seamen, and also a large addition to our naval force. Circumstances were now materially changed, for war had actually been declared. He thought that, for the purposes of this discussion, he might make three assumptions, which he apprehended would not be considered by the Committee as either gratuitous or unreasonable. He should assume in the first place that the war in which the country was now engaged is a necessary war; in the second place, that war having been declared, it is expedient to conduct it with vigour and energy, in the hope of bringing it to a speedy and honourable conclusion; and, lastly, that the servants of the Crown, in whomsoever it might be that that House should place its confidence, should, as the executive, be entrusted with the administration of the means voted by them. Having thus shortly prefaced what he was about to address to the Committee, he should proceed at once with the details of the Estimates. The first Vote which he proposed to take was an addition of 461,700*l.* on account of wages of seamen and marines. When he last made a proposition for the increase of our naval forces, he submitted to the Committee the policy of adding 10,000 men to the entire number of seamen afloat. He did not then anticipate that it would be possible to raise the entire increase proposed within the first six months, and he therefore laid before the Committee an estimate for an increase of 5,000 men for the whole period of twelve months, and an additional sum for a further number of 5,000 men for the last six months of that time. Since war was declared—or, rather, since, in the opinion of the Government, war seemed to be quite inevitable—increased exertions had been made to levy the whole additional number of men sanctioned by Parliament within the shortest possible time; and he had now the satisfaction of stating to the Committee that at the present time—that was within a month from the commencement of the financial year—the Government had been able to add 11,000 men to the Navy, in addition to the number voted last year. They had done this partly by acting upon a Statute which gave the Executive Government power, when the services of the State required, to call upon the coast-guard for a reserve of men to serve afloat. Government had availed itself of that power, and he could state to the Committee that out of the additional 11,000 men, 2,500 had been drawn from the coast-guard; while 8,500 had been raised by voluntary enlistment since the 1st March. He should, perhaps, in justice to his gallant Friend the Member for Gloucester (Admiral Berkeley), state that this success was in a great measure attributable to his efforts. The exertions of Captain Henderson, the Comptroller General of the Coast Guard, had been above all praise; nor should he forget to mention that the services of a young officer, Commander Phillimore, who had visited, he believed, every port in the kingdom, had also largely contributed to the favourable result he had announced. He thought it due to a young officer to mention this meritorious conduct. Something had been said with respect to the capability of the coast-guard to perform active service afloat. Now, on that point he had the satisfaction of holding in his hand a letter from his friend Commodore Seymour, who was Captain of the Fleet under Admiral Napier, in which the former, speaking of the Baltic fleet, said:—

> "My visits of inspection enable me to form an opinion of the qualities of the ships' complements. The marked superiority of the coast-guardmen, where they are in any numbers, over other portions of the ship's company is striking. They fill many of the highest of the petty officers' ratings, which without them it would be difficult to find properly qualified officers to fill. Taking them as a body, notwithstanding that some are verging beyond the prime of life, and that their vocation on the coast has robbed them of some of that quickness that should belong to men-of-war's men, they retain qualifications indispensable to the efficiency of the fleet, and they are well conducted."

This was a most satisfactory statement, and fulfilled the anticipations which he had formed, that the coast-guard would in time of war be found a most efficient reserve for the Navy. The first item of 110,000*l.* in the Vote No. 1, to which he was about to ask the Committee to agree, was then accounted for in the way he had described, in order to meet the expenses for twelve months of the 5,000 seamen whose wages had in the last estimates been taken for only six months. The next item of 51,700*l.* was in order to meet the extra pay beyond seamen given to the 2,500 coast-guardmen and seamen riggers now employed in the fleet. There remained an item of 220,000*l.* for men, which was connected with the question that it was most important for the Committee to decide. He had now to propose that, in addition to the 10,000 sailors and 3,000 marines voted in March last, the fleet should be further increased by 5,000 men. At this moment, indeed, the fleet was somewhat in excess of the entire number of seamen voted by the Committee, because the Government had been able to raise 11,000, while the Committee had only voted 10,000 men. We had, indeed, now a large fleet of nineteen sail of the line in or on its way to the Baltic, and we had also ten sail of the line in the Black Sea. In no quarter of the world had the forces of the British Navy been diminished to make this effort, but, on the contrary, an augmentation had absolutely taken place at some of the most distant stations. Still he thought it was not consistent with the honour and with the independent position of this great country that we should have so large a force exposed to the dangers of war, and to every kind of vicissitude on distant stations all over the world, without having also a reserve at home. He did not think the Committee would be of opinion that an additional force of 4,000 men to complete the home reserve was an extravagant thing to ask for. If the Committee concurred in the opinion of the Government on this point, then, at the present rate of wages, 220,000*l.* would be required to pay that additional force. There remained, in connection with this vote, to give some explanation of the course they proposed to pursue with regard to the officers and men of Her Majesty's ships *Erebus* and *Terror*, who served with Sir John Franklin in the Arctic expedition. He had already stated that, considering no account of the officers and men serving in that expedition had been received for eight years, he thought the time was come when the payment of a double amount of pay to their relatives should cease. If, however, happily these gallant seamen should still be alive, the course now taken would be no bar to their claim when they arrived at home. Supposing them, however, to be lost, he thought the public had acted most generously to their surviving relatives in giving them double pay for eight years. He therefore proposed to close that account on the 1st April last, and for this purpose to take a Vote for 80,000*l.*

The next Vote was one necessarily contingent upon the preceding, for it related to the provision of victuals for the additional seamen and marines. The first item of 50,000*l.* related to the 5,000 men whose expenses had only been voted for six months, but had been actually incurred for twelve months. Then came another sum of 50,000*l.* which required some explanation. The Vote in March last was taken upon the presumption that the cost of the principal articles of provisions would continue the same that it was then. Experience had, however, shown that this was not the case. He would take, as an illustration of the rise in price which had taken place, the single article of wheat. The natural price of wheat in the Mediterranean was, generally speaking, considerably lower than in England; but the Russian Government having prohibited the exportation of grain from the north coast of the Black Sea, and the Neapolitan Government having taken a similar step with regard both to the ports of Naples and of Sicily—the natural granary of the Mediterranean—the price of wheat and flour had risen considerably. And indeed, generally speaking, the extra demand for the prime necessaries of life consequent upon war had caused them to be rapidly rising in price; and as he was most anxious that, as far as foresight could secure this result, these estimates should cover the entire cost of our naval forces for the ensuing year, he thought it most prudent to take a Vote of 50,000*l.* to cover the rise in price which had taken place. The next Vote was only a small one; it was for 5,000*l.* to provide for the additional expenses of the establishment at Whitehall and Somerset House. The increased duty thrown upon the clerks at both these establishments since the declaration of war had been so overpowering, that their attendance at the office had frequently been prolonged till nine o'clock at night. Of course it was utterly impossible that the clerks could be permanently worked in this manner; and it was absolutely necessary to make some addition to their number. The next Vote was one for 2,000*l.* to provide for the additional cost of Her Majesty's establishments at home. This was required by the necessity of making additional provision at Haslar Hospital, and also by the increased expense of some of the victualling establishments, where, on account of the transport service, very onerous duties had been suddenly cast upon the *employés.*

The next item was for a sum of 47,000*l.*, for wages to artificers, &c., employed in the several naval, victualling, and medical establishments at home. The Government had not thought it expedient while we were yet on the threshold of war to add to our existing establishments for shipbuilding, and the general operations of the dockyard would continue much the same as before. Still, from the rise in the price of provisions, it was found that the rate of wages in the dockyards was now inadequate as compared with the price of labour elsewhere. He had thought it more expedient to relax the fetters placed upon the earnings of the men employed, than to make an addition to their wages. They would now be paid in proportion to the work they did, and not by day. The consequence was, that their earnings would be considerably increased, and to cover this he proposed to take an additional Vote of 50,000*l.* The next item, which was a small one, related to Malta, the establishment at which place had been somewhat increased, in consequence of the large number of steamers which now repaired there. The next Vote was one of 697,331*l.*, for naval stores for the building and repair of ships. The first item here was one of 160,000*l.* for the purchase of fuel and coal for Her Majesty's steamers. When the Committee remembered that, of the nineteen sail of the line in the Baltic, thirteen had the great advantage of a screw propeller; and that out of the whole number of fifty or sixty pendants now in that sea, a large proportion were moved by steam, they would readily imagine how large a quantity of coal was required, and how expensive the supply of such a force must necessarily be. When they added to that, that we were obliged to send a supply to the most distant stations, even to China and the Cape, where steamers were employed, they would see that the expense under this head must be very great. Still he was convinced that, when they regarded the efficiency of the public service, it was true economy to expend this large sum of money upon coal; for not only did the employment of steam power enable a given service to be performed by a numerically smaller force, but it secured its performance in a more regular and in a better manner. The next item of the Vote was 40,000*l.* for the purchase of stores required to replace those issued to the fleet. Then there was one of 252,674*l.* for the purchase and repair of steam machinery. This expenditure was rendered necessary by the efforts which the Admiralty were now making to apply that power, which experience had proved indispensable, to all the ships of the new construction as they were launched. The conclusion having been arrived at that it was expedient to have a reserved force at home, the Government determined that all the vessels of that fleet should be furnished with steam power. They had further thought it necessary, besides providing a number of vessels to serve as transports for the conveyance of supplies to the fleet, to purchase a considerable number of small vessels for service as a coast flotilla, especially in the Baltic. Amongst the additional vessels acquired were three vessels of war which were building on Russian account, and which, when war was declared, were seized, in conformity with the rights of war, on behalf of Her Majesty. It would be necessary to fit those vessels at a considerable additional cost beyond the terms stipulated for the Russian Government, the contract entered into with the builder of the machinery having, however, been cut short by the war; the Government had felt that they were bound to take care that the interests of the builders should not suffer, and a new contract had been arranged, the balance being carried to account, and the difference in cost would be made good by Her Majesty's Government. The next Vote was one for new works and improvements, including the expense of new buildings at Haslar, for the enlargement of the hospital, and new stations for the repair of vessels of war. Since the peace a very considerable portion of Haslar Hospital had been applied to the reception of lunatic patients. Every preparation had been made for their comfort, and the establishment was in every respect so perfect that it was thought better not to interfere with the existing arrangements, and to enlarge the accommodation as now proposed, so that the number of beds might be made up to what it stood at during the last war. The next Vote was for medicines; and on this point he should confine himself to remarking, that every possible care had been taken to make provision for the exigencies of the medical service in the ships at sea, both in the Baltic and the Euxine.

He had now gone through the principal heads of account immediately connected with the effective force. The amount asked for the purposes of the effective naval service was 1,457,031*l.*; there were also some items of expenditure which, although included in the naval estimate, belonged rather to the army and ordnance services. The Vote for freight of ships was no less than 3,096,700*l.* In answer to questions which had been put to him on previous occasions, he had already stated the extent of service which had been performed in the conveyance of troops. They had sent, since the 8th of March, when he last spoke, a force of about 22,000 men to the seat of war, and he believed that altogether a force of nearly 25,000 men had left our shores. They had sent 2,500 horses, and arrangements had been made for the despatch of nearly double that number. When the Committee considered the distance, the shortness of time, the competition necessarily arising between the demands of Government and the wants of trade, and also the fact of the French Government coming into the English market for freight, it would be admitted that the effort had been a great one, and he must add that the cost had been great in proportion. Yet all their efforts would have been rendered useless if they had hesitated as to the payment of the requisite sums of money. The first item, for the freight of transports on monthly pay, including both steam-vessels and sailing ships, or for the purchase of the same, amounted to 2,610,200*l.* This sum covered the hire of eighteen steam-vessels and eighty-six sailing transports, eleven of the steam-vessels being for the transport of infantry, and seventy-five sailing ships for that of cavalry. All the available steam-vessels that were at command in the first instance were employed to convey infantry from this country, but none of them had been considered available for the conveyance of cavalry. It had not been thought practicable to convey horses safely in steam-vessels, unless the height between decks should be at least seven feet six inches, or exceeding that measurement, and generally the height was less than that which he had mentioned; moreover, excepting in steam-vessels propelled by screws, the main deck only was available for horses; and in paddle-wheel steamers the main deck was interrupted by the machinery. Therefore, the employment of steam-vessels for the conveyance of horses was limited to screw vessels having a height, between decks, of seven feet six inches, or more. It was obvious, therefore, that the number of steamers fulfilling the necessary conditions for the transport of horses was very small; they had, however, succeeded in taking up one which would embark on Monday next 235 artillery horses, with the officers, men, guns, and ammunition waggons of the detachment. He had also stated yesterday that they were about to extend the experiment by taking up the *Himalaya*, which would convey to the seat of war an entire cavalry regiment, all the horses, men, and officers, with their complete establishment, within a time which he would not venture to predict, but which he fully anticipated would be an almost incredibly short one. If they were desirous that these efforts should be made, and if they wished to put forth the whole strength of this country in the war, to show what it was capable of doing, and what we had the means of doing, he believed, even should the war be brought to a conclusion in the course of six months, that this effort would not have been thrown away. He believed this to be a demonstration to the civilised world that our powers were not paralysed, nor our arms fallen short of their wonted strength; but, on the contrary, that we had called all the science and all the inventions of modern times to our aid, and that we could command, in defence of our national position, to a greater extent than any other country, all the appliances of art and inventive skill. More than all, he wished the world to see that in that assembly, representing as it did one of the first and freest nations in the world, and perhaps a greater amount of power than any other assembly, whatever might be their differences in other matters, when the honour of their country was concerned, and the safety of its institutions imperilled—and in peril they would be whilst we were engaged in a great war, until that war was brought to a happy and honourable conclusion—all minor differences vanished, and as one man they would come forward to say that the war must be conducted with vigour and energy, and brought to a speedy issue, not regarding the expense that must be incurred, but bent with one heart and soul upon providing all the means necessary for maintaining the safety and reputation of the country.

As regarded the transport of cavalry, he might take that opportunity of saying that they had received from Mr. Cunard the most zealous and praiseworthy assistance, though his steamers, not being quite lofty enough between decks, were not so much available for cavalry. For this purpose they had been compelled to take up sailing vessels to a very large amount, seventy-five having been engaged; and in addition to the ordinary cost of obtaining them by open tender in a free market, under the competition to which he had already referred, there had been the cost of fitting them for the peculiar service of cavalry transport, which was perhaps the most expensive of all possible fittings. Still they had thought that if this expense were incurred, it was desirable that the application of money should secure the utmost possible efficiency in every respect; and with regard to the artillery, the right arm of the military service, it was of the greatest importance that each transport should arrive at its destination in the most efficient condition. By the advice, therefore, of the military authorities, this subdivision had taken place—that each artillery transport carried out two officers, forty-eight men, fifty-two horses, and four guns, all ready for service on the moment of landing, and each having no occasion whatever to wait for any support. For this purpose vessels of 650 tons had been freighted, as no smaller ship could convey the force he had mentioned; and, in addition to the whole number of sailing ships, two steamers, as he had already stated, were to be sent. He had the pleasure of informing the Committee that Lord Raglan, in the course of his short stay at Malta, saw the first division of the artillery transports arrive, and with regard to this first division he made the gratifying observation that not a single horse had been lost. On the arrival of the second division it might be fairly anticipated, considering the percentage of loss ordinarily sustained in such operations, that the number of horses killed or injured would be unusually small. It might be satisfactory to the Committee to state that the whole force of transports had been engaged for the Government for the entire year, on the principle that during the entire year the whole force, estimated to amount to 27,000 men, should have the means of conveyance from place to place within itself, so that no difficulty would arise in respect to the removal of the British forces throughout the whole of the coming year. For the purpose of more rapidly conveying in the first instance a portion of the force, they had taken up fourteen steam-vessels connected with the packet service merely for the single trip to Malta, the contract terminating with the arrival of the ship there. The uninterrupted maintenance of the packet service was of the highest importance, and every arrangement had been made to secure its maintenance, so that the packet-ships might return to their ordinary duties as speedily as possible. The sum of 108,000*l.* merely covered the trip of a number of these steamers from England to Malta. With respect to all the sums on the paper, he should be happy to give, on the proposition of each Vote, every explanation that might be required. He did not think it would be necessary, from what appeared to be the temper of the Committee, that he should make any earnest appeal to them with respect to the moral effect of unanimity on this occasion, and he thought he had seen symptoms which might lead him to believe that the Votes he was about to propose would be cordially responded to. A passage occurred to him, from one of our poets, which he thought was descriptive of the present condition of our country. They would remember the expression—

> " ——this pale, this white-fac'd shore,
> Whose foot spurns back the ocean's roaring
> tides,

> And coops from other lands her islanders,
> This England, hedg'd in with the main,
> This water-walled bulwark, still secure
> And confident from foreign purposes."

He said that it was our duty to keep it "still secure and confident from foreign purposes," and that it was our naval force which fulfilled that condition, and he therefore appealed in confidence to an English House of Commons, in time of war, to consent to an increase of our naval force, and, by so doing, to exhibit to the whole world that we were determined to maintain our naval supremacy.

MR. BAILLIE said, that public opinion had been so often and so generally expressed against that system which made political influence the only means of attaining to honour and promotion in the service of the State, that Her Majesty's Government had, in his opinion, very wisely and judiciously, in the course of the last Session, taken the initiative, in that Bill which they had introduced for the regulation of the future government of India, in providing that a certain number of Government appointments should be annually set aside for public competition. Her Majesty's Government had thus admitted the justice of the principle of competition, and he saw no good reason why that principle should not be carried out in every branch of the public service. He could not understand why admission into the Royal Navy, that branch of the service which was, perhaps, the most truly national, and upon the efficiency of which the safety of this country might be said mainly to depend, should be obtained exclusively as a reward for the political services which an individual might have rendered to the Minister of the day. Let the Committee consider for a moment the system by which a naval cadet was enabled to obtain admission into the Navy. Hon. Members were aware that the patronage of that branch of the service was vested theoretically in the Admiralty Board. Practically, however, the First Lord had that patronage at his disposal; for although certain appointments in the Navy were annually distributed by the junior members of the Board, yet by far the greater portion of those appointments were in the gift of the person who was for the time being at the head of the department. How, then, did the First Lord of the Admiralty generally distribute the patronage which was at his disposal? He believed it to be the general practice to set aside a few appointments annually as a reward for distinguished service, and that was a mode of dealing with the patronage of which he thought nobody could with justice complain. The greater portion of the appointments, however, which were in the gift of the First Lord were distributed, not as a reward for distinguished services, but, as he had said before, as a reward for useful political services rendered to the Government of the day. The First Lord of the Admiralty had a list, and upon that list any Member of Parliament who had made himself serviceable to the Government as a constant supporter of their policy, might apply in person, or through the Secretary of the Treasury, to have the name of a candidate placed. The name, as a matter of course, was inserted, but as the number of applications frequently was greater than the number of appointments which were at the disposal of the Admiralty, the First Lord was, of course, compelled to select from the list a certain number of persons for promotion. In making that selection, he very naturally chose those persons whom, upon inquiry, he found had been recommended by those who had rendered the most efficient service to the Government. Thus, the appointments in question were strictly of a political character; and not only were they completely controlled by political influence, in fact, they might be called "doubly distilled" political appointments; but the most stringent rules of the Navy were violated in making them. He believed it, for instance, to be a stringent rule of the service, that no cadet should be appointed after the age of fourteen, yet he knew cases in which, in consequence of the political influence which had been brought to bear, cadets had been appointed whose age had reached sixteen or even seventeen. He did not mean to say that any injury was likely to accrue to the service from the fact of cadets of that age being appointed; but he had referred to the matter merely to demonstrate what he considered to be the profligacy of the Minister in acting in contravention of rules framed for the promotion of the efficiency of the service, for the purpose of the securing a political ally, or of obliging a political supporter. Now, how, he would ask, was the system of which he complained likely to work? Let him suppose that the members of one political party should remain in office for a period of fifteen or twenty years, would it not follow, under these circumstances, almost as a matter of course, that all the appointments which might be made during the time would be conferred upon the adherents of that political party? He did not wish to cast upon the present Government in particular an imputation to which the system to which he had referred—a system which had long prevailed—was, perhaps, more properly liable. At the same time, he felt it would be impossible to deny that, in consequence of the long period during which the Whig party had held office within the last twenty-six years, the result was that the Navy was at the present moment almost exclusively filled with the adherents of that party. Upon a recent occasion, the First Lord of the Admiralty had expressed his satisfaction at the circumstance that the two great fleets which England had lately sent out were commanded by two staunch Reformers. He (Mr. Baillie) regarded that as an imprudent declaration upon the part of the right hon. Baronet, because it had served to call the attention of the public to the real state of the case. It was not sufficient for the right hon. Baronet to have stated that Admiral Dundas had, by his long services as a Reformer in the House of Commons, established a claim to the gratitude of the Reform Club, as well as to the command of one of our fleets. He ought to have gone further; and to have stated that in the short period during which he had been in office, it had fallen to his lot to appoint many admirals to commands who, by a similar fortunate coincidence, were also staunch Reformers. The right hon. Gentleman might have mentioned that he had appointed Admiral Houston Stewart, the Reform candidate for Greenwich, to the command at Malta; Admiral Stirling, the Reform candidate for Chatham at the last election, to the command in India; Admiral Plumridge, the Reform Member for Falmouth, to a command in the Black Sea; Admiral Parker, a staunch Whig, to a command in Devonport; Sir William Carroll, to a command at Cork; Sir Edmund Lyons, who might not have done much service in the cause of Reform in the House of Commons, but who served as a diplomatist in Greece, to a command in the Black Sea; and, lastly, Sir Charles Napier, to be Commander in Chief in the Baltic. But that was not all; for out of the sixty captains who had received appointments in the Navy within the last twelve months, he believed he might go through the whole list with a somewhat similar result. Now he did not mean to insinuate that the right hon. Gentleman had been induced by merely political considerations to make those appointments, for if that were the case, the right hon. Gentleman would, at a moment like the present, be guilty not simply of an offence, but of a very great political crime. He was ready to admit that the right hon. Gentleman, in making those appointments, had been actuated by no other motive than a sincere desire to promote the good of the public service; but what he desired was, to draw the attention of the Committee and of the Government to the state of things to which he had adverted. The inference he drew from the facts which he had stated to the Committee was, that the Navy was at the present moment so exclusively filled by the supporters and adherents of a particular party that it was not in the power of the right hon. Baronet to relieve himself from the charge of political partiality by being enabled to appoint efficient officers connected with the party which was opposed to him on politics. No such exclusive system prevailed in the Army as that which existed in the administration of the Navy. The Commander in Chief was not a political officer, and had never been required by any Administration to dispense any portion of his patronage for the purpose of sustaining the influence of a particular party. During the last twenty-five years the Army had been under the administration of the Duke of Wellington, of Lord Hill, and of the present Commander in Chief. But whatever might have been the political opinions which those distinguished men had previously professed, no sooner had they received their appointments than they deemed it to be their duty to distribute the patronage of the Army upon a principle entirely independent of political considerations. The discipline in the Army was far superior to that which was enforced in the Navy. In the Army, commissions were given by public competition at Sandhurst; and those who had thus obtained their appointments had proved themselves to be the most efficient officers in the service. That such was the case had been proved in the late war in India. When Sir Robert Sale had been obliged to fight his way with a small force through hostile tribes in India, he had committed the defence of the fortifications at Jellalabad to the officers of the 13th Light Infantry; and it was to those officers who had obtained their commissions at Sandhurst that the work of directing the erection of the fortifications was committed. The manner in which they had performed that duty had been the means of saving the force under Sir Robert Sale's command, and of maintaining the honour of the English troops at a time when the prestige of our arms was about to fail. He had no accusation, so far as the appointments in the Navy were concerned, to make against the present Government; but when he remembered that the plan for the reformation of the Civil Service had that evening been postponed, he felt bound to state that, unless Her Majesty's Ministers were to give some assurance that they would take the question to which his observations more particularly referred under their consideration at an early day, he should deem it to be his duty to bring the subject in a specific form under the notice of the House.

Mr. HUME said, he was anxious to bring back the Committee to the question before them. He was sorry that the hon. Member for Inverness-shire (Mr. Baillie) should have taken this opportunity of bringing forward the subject on which he had spoken, because he wished that their decision on the present occasion should appear worthy of the assembled House of Commons in the unanimity of their proceedings on this highly important measure. The country, he might say, had been the author of this war—he meant that the mass of the people had urged on Her Majesty's Government to undertake it, though no man in that House more regretted its necessity than he himself did. Under these circumstances, instead of cavilling at small minutiæ connected with the details of the service, he was in hopes that the appeal of the right hon. Gentleman the First Lord of the Admiralty would have been met by all the unanimity of feeling which such an appeal was calculated to elicit, and that they would all have joined in showing their anxious desire to support measures intended to preserve the honour and interests of the country. They were now called upon to add to 18,000,000*l.* of Naval and Military Estimates already voted a further estimate of 5,000,000*l.* or 6,000,000*l.* more; but having undertaken the war, sound policy imperatively required that means should be provided to carry it on in the most efficient and vigorous manner. It was impossible to say what amount might come to be required as the events of the war made progress, but Ministers had brought forward Estimates which appeared to them amply sufficient to cover all the expenses that could be anticipated with probability at present. As such they ought to grant the sum demanded at once, without grudge or cavil, with the view of showing confidence in the Administration, and resolution to maintain the principles on which they embarked in the contest. He congratulated the Committee on the regulations adopted with regard to neutral property, which would take much from the horrors of warfare, and impart a more civilised character to the contest than had distinguished many previous struggles. He was anxious, so far as his vote went, to give his entire support to the Vote which had been proposed, so that we might show to the nations of Europe that we were willing, as we were able, to carry out the objects we had in view in a proper and becoming spirit. He thought the measures that had been taken, and particularly the manner in which the fleets had been manned and sent out to the Baltic and Black Sea, reflected the highest credit on the Administration. Believing that an impression had been made suitable to the occasion, he hoped the Committee would give proper support to the means required in conjunction with those of our French allies, to carry out those measures which were demanded, not only for our own safety, but for that of the whole civilised world.

Admiral WALCOTT said, with respect to the Estimate which had been laid upon the table, he gave it his unqualified support. He thought it was admirably adapted to meet the exigencies of the moment, and he trusted the very sanguine expectations which the First Lord of the Admiralty had formed from a consideration of it would be fully realised. At the present moment we were cheered on by enthusiastic feelings; we were cordially disposed to give to our old and faithful ally the support we were bound to render him in this exigency, and he had no doubt our efforts would be crowned with that success which we had a right to anticipate from our engagement in a just and righteous cause.

Sir GEORGE PECHELL said, in common with the hon. Member for Montrose (Mr. Hume) and many others, he had studiously avoided urging the Government to carry on this war, for he thought at one time, like many others, that it might have been avoided. However, such had not been the case. He thought the hon. Gentleman opposite (Mr. Baillie) had imputed political motives to the Board of Admiralty, in the appointments they had made, which, if true at all, had reference quite as much to the preceding as to the present Government. He (Sir G. Pechell) was pleased to hear the right hon. Baronet the First Lord of the Admiralty render full credit to the effective steps which had been taken to man the Navy on this emergency by his hon. Friend the Member for Gloucester (Admiral Berkeley). Considering the great exertions his hon. and gallant Friend had made towards that end, the right hon. Baronet had but done him an act of simple justice. Nor should the claims of Mr. Smith, the originator of the screw propeller, so extensively used in the fleets of the Black Sea and the Baltic, on the gratitude of his countrymen, be forgotten or lightly appreciated on the present occasion. He thought that gentleman not only deserved the thanks of the country, but also some substantial testimonial for the great exertions he had made, during a period of fifteen or sixteen years, in bringing his valuable invention to perfection. He cordially concurred in the Vote which had been proposed, and trusted it would contribute to the success of our naval armament at this great crisis.

Sir JOHN WALSH said, that in the few observations which he should make, he should address himself to the statement of the First Lord of the Admiralty in a spirit which he trusted would not disappoint the expectation expressed by the right hon. Member that the Committee would readily, cordially, and unanimously concur in the vote for the support of Her Majesty's service. He would remind the Committee that in the last great war, a party numerically strong in that House conducted that war to a successful conclusion, and that a very weak Opposition, during the whole of that protracted contest, continually carped and cavilled at all the exertions the Government made to carry it on. He was sure it was not the intention of hon. Gentlemen on his (the Opposition) side of the House—at least he could say it was not his own intention—to follow the example set by the Opposition during the last war. Hon. Members on his side of the House did not subscribe to the doctrine laid down some nights ago by the hon. Baronet the Member for Morpeth (Sir G. Grey), that because they had refused to repose a general confidence in the Government it was incumbent on them to offer a factious opposition to their measures at this momentous crisis. That would not be the principle on which Gentlemen with whom he usually acted would conduct the Opposition, if, indeed, Opposition it could be called, on this occasion. They would always arrogate to themselves the right of scrutinising any measure or suggestion of the Government, if they believed a regard to the interests of the public service demanded it; but they would not have recourse to any of the claptraps of economy by which the feelings of the people of England had been excited in former days for the purpose of obstructing the policy of the Administration at that time in power. Whatever department of the Government might have exhibited a want of energy, he did not think that charge could be brought against the present First Lord of the Admiralty. It appeared to him that all the steps which the right hon. Baronet had taken in his department to meet the existing emergency afforded additional proofs of that administrative capacity which was so justly attributed to him. It was an effort worthy of all praise, that two such fleets as had been despatched to the Baltic and the Black Sea had been manned entirely on the principle of voluntary enlistment. Remembering that at the conclusion of the American war, when our population and our wealth were so much less than at present, we had a fleet numbering 110,000 seamen and marines, and that in 1813, at the end of the great revolutionary war, we had 140,000 seamen enrolled, he thought the First Lord of the Admiralty had made no unreasonable demand upon the country in the vote he had proposed. With respect to the vote of 244,000*l.* odd, for the purchase of steam-vessels, gunboats, &c., it appeared to him that both in the Baltic and the Black Sea it would be most desirable to increase the force of the steam flotilla, or a flotilla of vessels having a very small draught of water; for in the Baltic there was every facility for such a flotilla carrying on both offensive and defensive operations. The same observation applied very much to the Black Sea; for at the mouths of the Danube and in the Sea of Azov, from the shallowness of the water, vessels of a large draught would be almost useless. He rejoiced to find that the right hon. Gentleman had taken into his earnest consideration the important subject of the transport of our troops, and more particularly of our cavalry and artillery, by steam power, and that he had determined upon making an experiment in the conveyance of a large number of horses to the seat of war on board the *Himalaya.* He trusted that the right hon. Gentleman would take into consideration the importance of time in all these operations; he believed that he was not wrong in stating, that if the horses were sent in sailing vessels, from the time of leaving this country to the time of their arriving in Turkey, and their being in an efficient state for service, a period of three months would elapse. This was a matter of great moment, and he was convinced that the experiment about to be made would prove the great advantage to be derived from sending the cavalry by steam instead of by sailing vessels. The accommodation on board steamers was, in some respects, better than in sailing transports, and he believed that, by using this mode of transport, a saving of not less than two months would be effected. The importance, indeed, of transporting troops and horses by means of steam could not possibly be overrated, for the whole success of this campaign might be considered in a great measure to depend on the rapidity with which we could convey our cavalry and artillery to the seat of war. He gave the vote proposed by the right hon. Baronet a very cordial support, and he hoped the right hon. Baronet would take in good part the suggestions he had thrown out, made as they were with a sincere desire to contribute to the success of our arms in the impending conflict.

CAPTAIN SCOBELL said, he thought the subject of the transport of cavalry was about as much out of place on the present occasion as the discussion with reference to naval cadets. The real question before the Committee was the Navy Estimates, and to that point it would be more convenient to direct their attention. When he first entered the House in 1851, the English Navy was a very small one. He rejoiced to see that it was now a very considerable one. He congratulated the Board of Admiralty on the position they had attained, and that they had got twenty-eight sail of the line under weigh, and under sail, to meet the enemy. At the same time, he liked to give credit where it was due, and he must say that it was the late Administration who made the first movement to place the Navy in its present condition. He was glad to hear the right hon. Baronet the First Lord of the Admiralty say that he meant to have a reserve of ships to supply any further wants the Navy might require. That was a very wise and necessary course; for, if ships were to be sent to batter against stone walls, they must get considerably cut up and crippled, and other ships would be required to take their places. He himself had been engaged in blockading Cronstadt for three years, and he knew that all the harbours in the Baltic were very narrow and exceedingly strong. And let not the Committee think we were now in a better position than we were in then; although the Russians had fewer ships then than they now had. No doubt, our ships and men would do all that could be done, but he hoped the House of Commons and the country would not be too sanguine or urgent. Somehow the press and the public had run away with the idea that England never possessed so large a fleet as at present. That was a mistake. In 1790, in the then expected Russian war, there were thirty-six sail of the line lying at Spithead, many of them three-deckers; and after the first two years of the war of 1793, there were 101 sail of the line in commission. To be sure, two of the ships we now had might be equal to three of those as regarded tonnage and heavy metal, but larger efforts than were now making must be made if necessary. Remarks had been made upon what was called the inactivity of the Black Sea fleet. Speaking as a sailor, he could say that if the ten line-of-battle ships in that sea (only two of them were screws) had taken to occupying that sea during the winter, their number would not now have been ten; some of them must have been shipwrecked. He might remind the Committee that that great naval leader, Nelson, never kept in sight of the port he was blockading. When Lord Collingwood was blockading Cadiz, he was constantly close to the mouth of the harbour; but when Nelson came he hove the fleet to, and drifted off about fifty miles, quite out of sight of the enemy, who then came out and were met at Trafalgar. A rumour had reached him that Russia had on the Danube and in the Baltic a number of fast iron steamers, built in this country, drawing very little water, which carried four and six guns each. If that were true, he must warn the Committee that these would be very formidable vessels. As to Captain Jones, he did not think he could have done more than he had done. The only fault he (Captain Scobell) had to find with him was, that he had called a steamer he instead of she, rivalling the nautical blunder of the late Secretary of the Admiralty, who denominated a vessel "it." He was delighted to think there was a prospect of defeating the enemy, who had forced us into the war; and there could be no doubt that the result of any action that might take place would be a glorious victory to our flag. No question of expense should be allowed to stand in the way of manning the fleet with the best seamen that could be got. He believed there was a Bill in contemplation for the encouragement of seamen to enter the Navy, and he had no doubt if it offered them bounty, its effect would be to draw men under the flag twice as fast as before.

Mr. BANKES said, he could not concur with the last speaker in thinking that the subject of the transport of cavalry was foreign to the topic which was at present occupying their attention. They were perfectly aware that great difficulties had occurred, with respect to which no blame whatever could be imputed to the naval service; but to which, nevertheless, it was very desirable that the attention of the Committee and of the Government should be called. Neither did he agree with the hon. Member for Montrose (Mr. Hume) in thinking that the subject of the appointment of naval cadets should not have been introduced into the present discussion. It was a matter of praise to those who administered the affairs of the Navy, that the House of Commons could calmly and deliberately give its attention to every minute circumstance with regard to that service; and, therefore, he did not think that the lecture of the hon. Member for Montrose was absolutely called for by what had been stated by the hon. Member for Inverness-shire (Mr. Baillie), although he did not bring forward the subject precisely at the time when he had originally intended. He confessed, for his own part, that he could not regret the observations of the hon. Member for Inverness-shire, because they gave him an opportunity for saying that, whatever might have been the practice with reference to late appointments to naval cadetships, there was a very fair chance of the country now having the services of excellent Conservative officers. Nor did he quite concur with the hon. Member for Montrose in saying that the nation had forced the House and the Government into the present war. He held a more pleasing view than that. It was that the nation had gone with the House and the Government into the war, which he trusted, therefore, would not terminate, as other wars had terminated, in consequence of the country becoming tired of it before the House and the Government had seen reason to close it. The war had been felt on all sides to be a painful necessity. The nation had not pushed the House, nor had the House dragged the nation into it; but unitedly, deliberately, and sadly, they had entered upon it; and having done so, he trusted they were determined not to desert the country whose rights they were bound to protect, but to carry on the war with vigour, and to conduct it to a speedy and successful issue. He was highly gratified to learn the readiness with which volunteers had been found to supply the large naval forces that had been required. He was particularly happy to find, also, that so large a number of men had been obtained from the coast-guard service. Living in a maritime county, he had enjoyed many opportunities of seeing the services of the persons engaged in that particular branch; he had derived great advantage from their acting as a police; and it gave him additional pleasure to express his admiration of them when he remembered that a large proportion of them were Irishmen. He felt a disappointment, consequently, in learning that in Ireland itself there had not been that readiness to volunteer into Her Majesty's service, which had been so happily effected in other parts of the kingdom. It was stated that the tide of emigration from Ireland had rapidly increased since the declaration of war, from a fear entertained by the people that if they remained in the country, they should be pressed or induced to enter the naval service; and the consequence was, that large numbers of able-bodied men entered into emigrant ships, and exposed themselves to every sort of peril and misery, and in many cases even to death itself, in order to avoid the fancied hardship of entering the glorious naval service of England.

Sir BENJAMIN HALL said, he hoped he might be permitted to take that opportunity of doing an act of justice to a gallant officer for whom everybody who knew him must entertain the highest respect, who had formerly occupied a seat in that House, and was the friend of many hon. Gentlemen now present—he alluded to Admiral Dundas. He had heard with great surprise, and had read with great pain—a feeling which had also actually been experienced by his gallant friend—the attacks which had been made upon Admiral Dundas, imputing to him supineness of conduct, want of energy, and other faults, which, if true, would have been disgraceful to a person holding the position which he occupied in the naval service. Without troubling the Committee with more than a few words, he might say that he thought the position which Admiral Dundas had occupied had been one of a most difficult nature. It had been his duty to keep his fleet in order during a time of quiet, and when every man under his command was anxious to go into action. Under these circumstances, he had been accused of not having displayed that activity which, as the officer commanding the fleet, he ought to have exhibited. Now, the facts of the case were simple enough, and they ought to be known by the public, otherwise the attacks which had been made upon Admiral Dundas might receive more credit than they deserved. He had recently seen a letter, dated 14th April, written by Admiral Dundas to a mutual friend. In that communication the hon. and gallant officer said:—

> "The declaration of war reached me on the 10th. The French Admiral is waiting for his orders, and as soon as we receive them we shall act mutually and in concert. In the meantime I am taking all the precautions I can, and doing all I can in the service of my country; and I shall act at the very first moment."

He then went on to say that his fleet was in the highest order, and was only equalled by that of the French, and that they were doing all they could to "coax" the Russian ships out of their harbours. He proceeded:—"If they come out, depend upon it I shall be able to give a good account of them; but they don't seem inclined to move." And then he added, with that generosity of sentiment which so well became him, "I hope my friend Napier will be more fortunate in the Baltic." What had been the result? Admiral Dundas received the declaration of war on the 10th; he set to work immediately afterwards, and in a few days he was able to give an account of some of the Russian ships, as had that evening been announced to the House by the First Lord of the Admiralty. Now, it was to be hoped that when statements such as those which had appeared in a portion of the press were put forward, the public would read them with some degree of suspicion; that they would not be too ready to condemn honourable and gallant men in their absence upon an arduous duty, but that they would believe that the same spirit would actuate the officers who were placed in command of our fleets now which determined their conduct upon previous occasions. So far as Admiral Dundas was concerned, he had given a good and an early account of his services, and he hoped that the only feeling which would be entertained by the public in regard to this matter would be one of disgust towards those who were ready to cry down men placed in an honourable but most difficult position.

Mr. BERNAL OSBORNE said, that he rose for the purpose of saying a few words in reply to the speech of the hon. Member for Inverness-shire (Mr. Baillie), and in order to correct some of his statements rather than to complain of the tone of them. The hon. Member seemed inclined to find fault with the manner in which he was pleased to consider the appointment of naval cadets was at present managed; but the hon. Member would find, upon inquiry, that in the opinion which he had formed on this subject he was much mistaken, and that no such blame as that imputed could be attached to the distribution of the patronage connected with these appointments. With regard to the rules and regulations in force relative to them, there might probably be some ground for improvement, but, as to the strict and accurate enforcement of such regulations by the Government, it would be found that they had been most rigidly observed and carried out. The hon. Member had asserted that by certain political influences, acting through the Secretary of the Treasury, not only the present Government, but former ones, had deviated from these regulations, and had appointed young gentlemen as naval cadets who were above the age required by the rules of the service. Now, the rule in relation to the age of the candidate for these appointments was that no youth should be appointed a naval cadet under the age of twelve, or above the age of fourteen; and it was his firm opinion that neither the present nor any other Government had ever knowingly appointed a boy of fifteen years old as a naval cadet. One of the regulations was that every candidate for the appointment should present to the Admiralty, among other documents, his baptismal certificate, which of course would prevent any but a wilful mistake as to age, and such mistake, he felt assured, had never been made. No instance of the kind had been adduced; it had merely been said that the Secretary of the Treasury had the power of interfering. Now he could assure the hon. Gentleman that, whatever might be done by the Secretary of the Treasury in his own office, he was religiously kept out of the Admiralty Department, and that so far as the present Board was concerned, the existing regulations with respect to the appointment of naval cadets had been fairly administered. He had himself been able to oblige some hon. Gentlemen on the opposite side of the House by filling up vacancies upon their recommendation; and he could assure the hon. Member for Inverness-shire, that if he had a boy about the required age, who wished to enter the Navy, and who promised to make an able officer, as the son of such a father could not fail to do, he would be glad to place a cadetship at his disposal. But the hon. Gentleman had likewise found fault with the appointment of the admirals, and had spoken as if those officers were chosen on account of their politics. Now, he thought it would not be denied that Sir Charles was selected for his undoubted pre-eminence in his profession. He believed the same remark applied to Admiral Houston Stewart. A despatch had been received that day from Lord Raglan, in which the arrangements made by Admiral Houston Stewart were very highly extolled. That, surely, was a proof that Admiral Houston Stewart was selected, not on account of his politics, but because he was an able and efficient officer. Such, in fact, was the principle upon which the Board of Admiralty had acted in all the recent appointments; and if it happened that most of the admirals were distinguished in political life, it was nevertheless true that they had been chosen because they were distinguished in their profession. If hon. Members knew the Admiralty as well as he did, they would know that the Admiralty always, and without any exception, selected those whom they considered the best men for the work that was required to be done; and in the conduct of the patronage of this part of the Government he felt bound to say most emphatically, that no consideration of politics, no party motive, or no personal favouritism, ever interfered with it in any way, or influenced its operation in the least. The Admiralty felt the vital importance of strict impartiality in these matters, and, he again reiterated, appointed to the best of their judgment the best men. With regard to the foul and malignant aspersions which had been cast upon the gallant Admiral who commands our fleet in the Black Sea, all he could say was that it was very easy for "gentlemen who live at home at ease," to talk about what they did not understand, and talk with that random insolence which so universally accompanied ignorance of this kind. He could not sufficiently and strongly express the indignation which he felt at the conduct of these wicked impostors in knowledge, and at the wretched and outrageous lies—["Hear, hear!"]—he begged pardon for using such a word in that House—which these men did not think it beneath them to propagate and invent against an officer of the highest ability and courage, whose flag, wherever it might wave, he felt quite sure would never be tarnished or disgraced. He thought, and he felt assured that the House of Commons thought so too, that the conduct of these anonymous scribblers, writing, as no doubt they did, for a particular and base object, could not be too severely condemned or too publicly repudiated, and he hoped that that House would not patiently listen to, or in any way by their countenance encourage, such base aspersions and calumnies on an absent and a gallant man.

Mr. STAFFORD said, he was anxious that it should not be supposed that the sentiments uttered by the hon. Gentleman who had just spoken, as well as by the right hon. Baronet the First Lord of the Admiralty, did not find an echo on that side of the House. He had observed, with great satisfaction, the manly determination of the Government to uphold the character of those officers who would be well able, if present, to assert their own cause. There had certainly been laid upon the table papers with reference to particular transactions, which fairly opened up the question if any hon. Gentleman chose to take it up. It would then be seen whether Admiral Dundas had obeyed his orders or not, or whether those orders were the most judicious that could have been issued. Meantime he hoped they would not even by their silence lend their sanction to those unworthy calumnies which had been circulated with respect to these officers. Whatever might be the conduct of Admiral Dundas in future, it should always be remembered that he had rendered Besika Bay a place of historic interest to the latest generation. By his admirable arrangements there he had proved that the fleets of the two most powerful nations in Europe could preserve the most perfect amity. He spoke with some little authority on this point, as he had the honour of visiting Admiral Dundas's flag-ship there, and he had seen enough to convince him that if it had not been for the most excellent arrangements it would have been quite impossible to maintain amity during so long a period of inaction. There was not a day that passed, there was not an arrangement with regard to the transmission of mails, or stores, or provisions, or even the intercourse between the junior members of either service, that might not have given rise to some ruptures, and they all knew how gratifying even the rumour of such a rupture would have been in a certain quarter. He thought that the triumph of Admiral Dundas in this instance was not less glorious than any of those he might hereafter achieve, and any one who read the ordinary channels of communication, or the intelligence of private friends in the fleet, must know that, up to the hour at which the last news was despatched, there was not the slightest sign of discord, but the most perfect amity. He thought the same praise ought to be given to the French Admiral, and it was quite right that the right hon. Baronet the First Lord of the Admiralty should have spoken out in so manly a manner when laying those papers on the table. He had challenged the House to take up these papers, and it now remained to be seen whether any hon. Gentleman would accept that challenge.

Mr. COBDEN said, there was one point connected with the conduct of the war upon which he would like to make a few observations. He had seen with unfeigned satisfaction the beneficent revolution which had taken place in the system of maritime warfare since the commencement of hostilities with Russia. We had abandoned our extreme belligerent rights over neutrals, which we exercised with such injustice and rigour in the former war. He considered that every credit ought to be given to those through whose instrumentality changes so praiseworthy and important had been effected. He thought we had, by the suspension of the system, and by the known understanding between England and America, dealt a deathblow to privateering—that system of chartered piracy on the ocean. Now, he wanted to suggest to the Government whether we could not even go one step further, and exempt from capture all private ships of the enemy, unless they were taken in the act of breaking an effective and declared blockade. His attention was drawn to this subject by seeing in the newspapers an account of the capture of a Finland vessel, which was brought into Portsmouth. The name of the ship was the *Froja*, and she was under the charge of Captain Weekmann. The account stated that the captain was part owner of the vessel, that the whole of his fortune was embarked in her, and that by her capture he was reduced to ruin. It added that he offered no obstacle or resistance to her capture, merely remarking that the fact of her being taken was a bad job for him. Now, he would ask, in the first place, what was the difference in fact, or as an act decided by the rules of justice, whether we captured Captain Weekmann's ship, cargo, and crew, and took them from him by a revenue cruiser sent out from Portsmouth, or whether we took them from him by a privateer, with a regular letter of marque from the Crown. Let them apply another test. Suppose that Captain Weekmann, instead of having his salt in his ship, had been fortunate enough to have it stored safe in a warehouse in Finland. In the latter case, most assuredly if any of our marines had landed and robbed his warehouse of that salt, would they not have been severely punished, and if acting under such an officer as the late Duke of Wellington, they would most likely have been hung up for it. Now, what he wanted to suggest to the Government was, that we should treat the private property of the enemy with the same respect when it was afloat which we paid to it when it was on shore. If we went back to not a very remote period, we found that armies were in the habit of plundering wherever they went, and of supplying the cost of the war at the expense of individuals; but that system was no longer regarded as consistent with civilisation and justice, and in the present war a regular commissariat supply for our troops was admitted to be as necessary as our ordnance supply. All he asked was, that Government would take into consideration whether it would not be advisable to go one step further than we had gone. We should still be going hand in hand with the United States, for Mr. Jefferson, sixty years ago, laid down the principle which he was now contending for, and the same fathers of the American Revolution, who were advocates for the abolition of privateering, were also advocates of that further step which he now recommended. He did think it would be a gratifying thing for England to be the first to state that she would not henceforth recognise the right of capturing these poor unfortunate Finland ships with cargoes of salt, going from Lisbon to the Baltic, in order to salt fish for the next year's consumption. He had merely put this question as a matter of justice, but it might be argued also on the ground of expediency and of interest. We were the greatest maritime people in the world. He had heard it stated by a great City authority, in the presence of the Prime Minister, that, from inquiries he had made, he believed that England had always property afloat to the value of 80,000,000*l.* What, then, was the effect of the system which we pursued with regard to the capture of merchant vessels upon our own trade? At the present moment our ships leaving our ports were obliged to insure against war capture. For the Baltic the rate of insurance was 3 per cent.; for the eastern part of the Mediterranean it was 2 per cent.; and generally to all parts of the world it was from 10*s.* to 16*s.* per cent. One of the largest shipowners in England, a Member of that House, who he hoped soon to see taking a leading part in such discussions, told him yesterday that he had paid 2½ per cent. for the insurance of a cargo from India. He had made a calculation, and he found that we were probably at the present moment paying a tax for insurance against war capture of 2,000,000*l.* or 3,000,000*l.* per annum upon the whole of our foreign trade. Thus, then, for the miserable Finland ships we took laden with salt we were paying in the shape of insurance twenty times as much as those vessels would sell for. This, too, was only while the war was with Russia. Suppose we went to war with a people who bordered the sea-coast, and who could chase and harass our merchant vessels, what would be our insurance then? But he would not put it as a matter of interest—it was a question of justice. He would like to see England take the lead in repudiating a system which was inconsistent with the civilisation of the age in which we lived. He would like to see her announce to all the world that henceforth we should make no seizures of merchant vessels belonging to the enemy, unless they were caught while attempting to break a blockade, or otherwise actively engaged in hostility against us. There was one other point connected with the conduct of the war to which he desired to allude for a moment. It could not have escaped the attention of hon. Gentlemen that when the First Lord of the Admiralty communicated to the House the intelligence which had been received from Odessa, there was a unanimous expression of gratification at the announcement that no injury had been done to private houses and property. It seemed that no attempt was made to bombard the town of Odessa. That was what they must all have expected from Admiral Dundas, and he hoped that the same rule would be acted upon elsewhere. Let it be understood that no attempt to bombard or injure peaceful, commercial, and unfortified towns, would meet the approbation of that House and the country. He might here quote the authority of the late Duke of Wellington. They all knew that when he carried on his campaigns in Spain, he never would allow a town to be bombarded, even when he had to capture it. He suffered great losses frequently by not bombarding towns, but he would not be a party to the destruction of an unarmed city; it was gratifying to find that we had begun the present war in the same humane spirit. With regard to the war itself, it would differ from all that had gone before it if it answered in its end the purposes of its beginning. Most likely before many months had elapsed the original objects and motives of the war might be merged in something quite different; but, at all events, it would always be something to glory in if we could say that in this war we had done a little for the cause of civilisation, by carrying on hostilities more in accordance than heretofore with the interests and feelings of humanity.

LORD HOTHAM said, he concurred in most of the observations which had fallen from the hon. Member for the West Riding, who had just spoken, but he rose more for the purpose of protesting against the attacks which had been made upon Admiral Dundas than adverting to the manner in which the war ought to be carried on. The hardship of these attacks was not more manifest than their impropriety, inasmuch as they were made by persons who could not possibly know the orders under which he was acting. They were also the more to be condemned, because they were not made upon the Government who were there to defend themselves, but upon an honourable and gallant officer who was not present. He wished to be understood that his remarks were made in reference to attacks which appeared in the public press, because it had not come to his knowledge that any hon. Member in that House had cast imputations on Admiral Dundas. He was himself apprehensive that the tone of these newspapers might have found an echo in some hon. Members, and he had attended there night after night in order, if any such discussion took place—although it belonged more especially to the Government to defend the character of its officer—to show that no differences of opinion would prevent his vindicating the character of an absent and honourable man. Having no political relations with the Government, he was the less unwilling to stand forward in defence of the character of an officer employed in a very responsible and onerous duty.

Lord DUDLEY STUART said, he could not understand why the correspondence of Admiral Dundas, which had been laid before the House of Lords, and been published also in the public press, had not been placed upon the table of the House of Commons. He should like the right hon. Baronet the First Lord of the Admiralty to explain how such an omission had arisen. They ought to know why those vessels that went to Circassia and brought troops back were not intercepted before they took the troops on board and sent back to the nearest port. He had been very glad to hear the observations which had been made by various hon. Gentlemen in defence of Admiral Dundas. He thought the feeling which prompted hon. Gentlemen to get up and defend any man unjustly attacked did them great credit—he did not say any man attacked in his absence, because if they were not to canvass the conduct of absent men they must be debarred from canvassing the conduct of almost all naval and military officers—indeed, of every one who had not a seat in that House, or who was not present. The point was, not to attack any man's conduct in an unjust spirit. He had had the honour of Admiral Dundas's acquaintance, and he might say friendship, for thirty years. If there was blame anywhere, it must lie at the door of the Government; and, indeed, he could not but allow that the public had some cause to be astonished when they contrasted the orders which they had been told were given to the commanders of the French and English fleets in the Black Sea with that which had really been effected there. It had been asserted over and over again that the Black Sea was to be placed entirely under the command of the allied fleets, that the Russian flag was to be swept out of it, and that was the only way in which the policy of the two Governments could be carried into effect. Whether all this was possible, considering the dangerous nature of the Black Sea, it was not for him to say; but certainly it had not been done—the Russian flag had not been swept out of the Black Sea, and the Russian ships had been able to perform military operations of great importance in spite of the allied fleets. No doubt it was difficult to keep a large fleet in the Black Sea in time of winter, but he had been informed on no mean authority that Sinope was a place where a large fleet might lie in any weather. The anchorage, he was told, was extremely easy; the wind never blew home, and, indeed, he believed that it was perfectly capable of being made into a naval station quite as good as Sebastopol. Now if the combined fleet had been stationed at Sinope they would have been opposite Sebastopol and have kept watch there. He should like to know from the Government whether any Reports had been addressed to them on the state of the harbour at Sinope, and, if so, whether they had any objection to lay them before the House? He had heard the news which had arrived to-day with great satisfaction, but further details were necessary before the importance of the operations could be properly comprehended. No information had yet been given as to what forts had been destroyed, what guns dismounted, and whether the vessels burnt were line-of-battle ships, large steamers, or merchantmen. [Mr. B. Osborne: Merchantmen.] Well, if they were merchantmen, the value of the operations was certainly considerably diminished. They would have been more efficient, too, had they been undertaken earlier. Throughout the war, however, we had always managed to be a little too late. He had just received information from a correspondent at Constantinople, dated the 20th of last month, in which it was stated that a Russian flotilla had just left Odessa, and had arrived at the mouth of the Danube. The passage of the Danube, it was said, by the Russians had been undertaken simply to secure to the flotilla an unmolested entrance into the river. The Turks were exclaiming against the treachery of the English and French Governments. Omar Pasha was writing letter after letter, calling for the speedy assistance of the allied troops, and it was asserted that, if the Russians made a further advance, insurrection in Bulgaria was certain. But there was danger of insurrection, he believed, in another quarter. Russian officers, it was stated, were openly organising the Montenegrins to attack Turkey; and, as the Montenegrins were of Slavonic origin, the danger of an insurrection among them spreading was much greater than among the Greeks, for the Slavonic Christians in the Turkish empire were to the Greek Christians as ten to one. He believed that the conduct of this Government with regard to Montenegro was ultimately the cause of the war, for if it had not been for the interference of England, Omar Pasha would have thoroughly put down the insurrection which last broke out there, and would have disarmed the population, as he had formerly disarmed the population of Lebanon. Prince Daniel was, however, spared by our interposition, and preserved to do good service to the Russian cause in the present crisis. How could Russia suppose that we should resist her aggression on Turkey when she had just seen us interfering to prevent the Sultan putting down those who had risen in revolt against him? An hon. Baronet (Sir J. Walsh) who had spoken in the course of this discussion had urged the necessity of employing gunboats and small vessels to act in the shallow waters at the mouth of the Danube. That was a subject deserving attention, and when he was in that part of the world last year the absolute necessity of some such vessels had been pointed out to him by officers in the fleet, and it was argued that, as no preparations of the sort had been made, there could be no serious intention on the part of the Government to go to war. It was to be lamented that we had not taken such measures that, when war was declared, we could immediately and efficiently assist the Turks. It should have been "a word and a blow." Instead of sending our troops first to Malta and then to Gallipoli, then to Constantinople, and a few to Varna, we ought to have sent a large force straight on to Varna, and we should thus have given important support to Omar Pasha, and have prevented, too, the great bloodshed which had taken place within the last few weeks. He perfectly agreed with all that had fallen from the hon. Member for the West Riding (Mr. Cobden) as to the necessity of mitigating the horrors of war as much as possible, and nothing could do this more effectually than vigour and promptitude of action. For instance, if we had done as he had pointed out, all the horrors which had been enacted in the Dobrudscha would have been prevented. He trusted, however, that, notwithstanding all this dilatoriness, Admiral Dundas would soon have the opportunity of vindicating his character, of making a brilliant reply to everything which had been said against him, and of covering himself and his fleet with glory.

MR. DRUMMOND said, as the case at present stood, Admiral Dundas had no occasion whatever to vindicate his character; but if he had followed the advice which the noble Lord (Lord D. Stuart) would have given him, and remained at sea last winter, the gallant Admiral would have had need to do so; for scarce a ship would have been fit for service, and half his crew would have been in hospital. It was the business of Admiral Dundas and that of the French Admiral, with whom he had acted in the closest alliance, to preserve his ships and crews in the most perfect condition for the time—when it should arrive—to do efficient service. But during the whole of the winter it was not possible that the time had come for it. He (Mr. Drummond) must repeat, what he had said on a former occasion, that the most arduous task of the Government during the present war would be to vindicate the character of the officers employed: The Duke of Wellington used to say that nothing contented this country so much, or made the people so happy, as a good butcher's blow—that they thought, unless their Generals or Admirals gained a battle by a mass of slaughter, nothing was done, and that they had not money's worth for their money. The country ought to give its naval and military commanders more of its confidence. He disliked the interference of diplomatic men. He thought that as soon as the first cannon was loaded diplomacy should cease. He remembered the mischief done in the Peninsular war from this cause. He remembered the intermeddling of Mr. Frere, and the sacrifice of Sir John Moore. If Sir John Moore was lost from any cause, he was lost by the gabbling gossip of the London press. It was those men who were continually irritating that sensitive and high-minded man, who was always thinking what the press would say about him instead of the fate of the troops committed to his care. He (Mr. Drummond) hoped that the House had read the correspondence of General Godwin, who was another victim of the press. From the first moment General Godwin took the command in Pegu to the day he left it he was attacked and run down by the Indian journals. Lord Dalhousie (the Governor General) certainly did his best to support him. General Godwin proved that he alone was fitted to command, for he alone was master of the country, and knew it well because he had served there before; yet he was made the victim of the most unmitigated slander of the Indian press, from the moment he assumed the command until he left it—and no sooner had he left it than he died—an awful warning. The correspondence ought to be in the hands of our officers, to teach them to preserve their course with a single eye to the discharge of their duty and obedience to their orders, without any reference to "our own correspondent," and the gabbling purveyors of slander for London papers. The principal thing was to look to the Government. It was not because Admiral Dundas was absent that he (Mr. Drummond) objected to these attacks, but because he was a commander, and because the attacks were made upon him by persons utterly incompetent to form an opinion on the question. It is not because a man happened to have a seat in that House, that he was consequently a master in military and naval matters, and an authority on every subject in which he fancied himself competent to speak. If any objections were taken to the course pursued by the commanders, it was the Goverment who ought to be attacked, and not the commanders, present or absent.

SIR JAMES GRAHAM: I am most unwilling, Sir, to obtrude myself upon the attention of the Committee at the present time, lest I should be unconsciously betrayed into controversy on an occasion when I feel much rather disposed to congratulate the House, and I may say the country, on the unanimity which has prevailed upon the present subject. But I would first of all apply myself to some observations which have fallen from the noble Lord the Member for Marylebone (Lord Dudley Stuart), as he has referred to some correspondence to which reference was made on a former occasion, and which the Government are about to lay on the table. The Motion for the production of that correspondence was made last night. I have the papers now with me; but before the close of the evening they will be printed, and I repeat, what has already been stated by the hon. Member for North Northamptonshire (Mr. Stafford), that, if there is any ground for accusation arising out of these papers, I hope a Motion will be founded upon it. I say with that hon. Gentleman further, that if blame attaches to any one, it attaches to the Government under whose orders these officers act. For myself, I must say that I know not a single instance, during the twelve months in which Admiral Dundas has been exposed to circumstances varying in their nature, but all circumstances of peculiar difficulty, in which he has not ably, faithfully, and, I think, creditably fulfilled his instructions. I am bound to say that the most cordial understanding has throughout existed between Admiral Hamelin, the French Admiral, and himself; and this has been maintained, though tried by the circumstance to which the hon. Member for North Northamptonshire has referred, circumstances of very peculiar difficulty, combining operations with fleets in the crews of which there were still, perhaps, some lingering remains of ancient rivalry, where the ships lay almost yard-arm to yard-arm, and in no case with a quarter of a mile of water between them, still in such circumstances the intercourse between the fleets was almost hourly, with no occupation and no amusement, yet, owing to the admirable tact of the Admirals, aided by the excellent conduct of the officers and the good feeling of the crews, I have not heard of a single quarrel of any description; but there has been throughout the two fleets the most cordial union, which I believe to be the best omen for their future success. But whatever credit may be given to the officers and to the men generally, I conceive that the greatest credit is due to the two Admirals. I am not aware that against Admiral Dundas any charge has been preferred in this House which either his friends or the Government are called upon to vindicate; and though I do not pretend to say that I do not consider it part of my duty to read what is said in the daily papers with regard to these transactions, still I am not aware of any accusation of any weight that has been preferred against him. I believe the attacks that have been made have been confined exclusively to one newspaper, and that not one by any means of the highest character. To suppose that an officer in the position and standing of Admiral Dundas should be required, either by himself or by his friends, to meet attacks of this description, is, I must say, to forget altogether the position which Admiral Dundas occupies. The noble Lord (Lord D. Stuart) has also referred to the conduct of Captain Jones, but the papers to which I before referred will, I think, satisfy him upon that point, or, if not, many other opportunities will arise of discussing it. I may next refer to the observations the noble Lord made on the capabilities of the port of Sinope, a position which he thinks ought to have been occupied by the fleets in preference to that of the Bosphorus. Sir, I have such respect for this House that I do not know there is any subject too great or too small to be brought under its notice, which is not worthy of its attention, or with which it is not competent to deal. With respect, indeed, to the future mode of conducting the war becoming a subject of discussion in this House, I think the public interests would be seriously endangered by such a course. The duty of the executive Government must ever be, with regard to prospective operations, not to betray them by premature discussions, which would be equivalent to the crime of disclosing the Queen's counsels, to the advantage of the enemy, and to the serious injury of the country. But with reference to past transactions there is not by any means the same objection, and the blue books upon these subjects have been laid upon the table, and opportunity has been afforded, with reference to past transactions, to raise any objections to the conduct of Government which any Member of this House may think fit to prefer. We have had much discussion indeed, but no substantive accusation. But with reference to Sinope, I do not allude to the disaster at that place, I am speaking on the question whether Sinope would be a preferable station for the fleet to the Bosphorus, the noble Lord, who is generally well informed, appears to have forgotten that the whole combined fleets, under Admirals Dundas and Hamelin, were moved from the Bosphorus to Sinope. Eighteen sail of the line were taken there and anchored there. That particular roadstead was tried as winter quarters, and the Admirals, after trying it, gave their conjoint opinion that it was a dangerous station, in every respect inferior, with reference to watching the Russian fleet, to the Bosphorus; that being further to westward than Sebastopol, it would be easier for the fleet to reach Constantinople from Sebastopol than from Sinope, so that if the combined fleets had anchored at Sinope, the safety of Constantinople would have been endangered. The noble Lord seems to be of an opposite opinion; but on a subject of this kind he will pardon me if I tell him that I have a greater reliance on the opinions of Admirals Hamelin and Dundas than on his. Then the noble Lord says we are always too late. That may be true with respect to the declaration of war. If the noble Lord thinks that we postponed that declaration too long, and that we ought to have declared war at an earlier period, he may call upon this House to decide between us; and if this House thinks the Government has been wrong, he may seek from it an expression of our condemnation. But I venture to hope—and shall continue to do so till this House expresses an opinion to the contrary—that the Government has followed the opinion of the country, that every effort was rightly made till the last moment that was consistent with the honour and interest of this country to postpone that declaration. We did postpone it till the last moment that we thought was consistent with the honour and dignity of the country; and I have yet to learn that the people of this country, or the representatives of the people, think that we have erred in judgment in so doing. And if we were not too long in postponing the declaration of war, I deny that we have failed in vigour since that declaration. War was not declared till the 30th of March. At this moment we have 20,000 men landed at Gallipoli and Constantinople; we have nineteen sail of the line assembled in the Baltic, before the ice has been broken up, and the French and English united force is nearly double that of the Russians in the Black Sea. Is this procrastination? The noble Lord says, why have we not a flotilla of gun-boats in the Sea of Azov, or for operations in the Danube, where there is a difficulty for the operations of larger vessels, owing to the bar at the mouth of the river? I shall tell the noble Lord why. It is because it was impossible to do everything at the same moment of time. It was of the last importance, as far as the Admiralty was concerned, that we should prepare, arm, man, and despatch nineteen sail of the line to the Baltic. We have done that. I take no credit for it, for without the active and zealous support of my colleagues at the Admiralty, the thing would have been impossible. I may name in particular the services of my hon. and gallant Friend the Member for Gloucester (Admiral Berkeley) and Captain Milne, whose efforts—whose almost undivided efforts—have been given to that vast work, and without which it would have been impossible to send out such a fleet in such a short period of time. And yet the noble Lord, on the very day that we have heard of this naval success at Odessa, comes forward and reads a letter from Constantinople, to which he attaches credit, and which alleges that certain naval armaments have passed from Odessa to the Danube. Well, Sir, I am not in a position to deny that. It is impossible for me positively to aver that it is not so, but I must say that all presumptions are against it. The declaration of war was only known at Beicos on the 10th of April. The French Admiral was not, indeed, so soon informed of it—it was only known to both fleets on the 14th, and we now know positively that in eight days afterwards Odessa was attacked; and I can only say that no such armaments have been heard of at the Admiralty. The hon. Member for Inverness-shire (Mr. Baillie) began this discussion in a tone which I regret—he said, that though it might be unwillingly on my part, yet I had distributed the patronage of the Navy on political grounds. Sir, whatever pain was inflicted on me on account of what fell from the hon. Member for Inverness-shire, was more than compensated for by the generous observations of the right hon. Member for Dorsetshire (Mr. Bankes) and the hon. Member for North Northamptonshire (Mr. Stafford). Sir, I must say that, though I may have have erred in judgment, I have always endeavoured to distribute the patronage of the Navy fairly. I am not aware of the political connections of all the admirals who were enumerated by the hon. Member for Inverness-shire; I chose them on account of their fitness—in more than one instance I chose the junior admirals, at the request of their superior officers; and I hope that, notwithstanding all our political differences, those gallant men, placed in trying and difficult circumstances, whatever may have been their past political conduct, or their present political connections, yet if they conduct themselves gallantly, faithfully, and honourably, no disparagement will be thrown upon them from any quarter in this House. I have only to add, that I feel extremely grateful to the Committee for the manner in which they have received the propositions of the Government. I do not arrogate to the Government, from the unanimity of the Committee, any mark of approbation or confidence in the Government. Many other opportunities will arise for questioning our policy, or impugning our motives; but I do not think this is a fitting opportunity, and I cordially thank the Committee that they have not chosen so to consider it.

Mr. DISRAELI: Sir, I have listened with attention to the remarks of the right hon. Baronet, and I certainly cannot reconcile them with some recent observations of the right hon. Gentleman. If the right hon. Gentleman wished to preserve the unanimity which has characterised our proceedings hitherto, I think he might have refrained from defying the House to bring forward a vote of want of confidence in the Government.

Sir JAMES GRAHAM: I can assure the right hon. Gentleman and the Committee that in all I said, nothing was further from my intention than to assume a tone of defiance.

Mr. DISRAELI: I certainly would not have risen had I not been under that impression. I understood the right hon. Gentleman to say that all the documents connected with these transactions were now upon the table; that no vote of want of confidence had been proposed; and that under these circumstances he was entitled to assume that the conduct of the Government was approved of by the House of Commons and by the country. Those, Sir, were the observations which I understood the right hon. Gentleman to make, and I rose merely to guard myself against its being supposed that I participated in his opinion. Sir, the country is now at war, and, whatever we may think of the causes of this war, I believe the opinion of both sides of the House is, as I have on a former occasion stated, that the war having been entered into, Her Majesty ought to have our zealous support. Under these circumstances I do not think it is the duty of any hon. Gentleman opposed to the Government to propose a vote of want of confidence. If the Opposition had been of opinion that we ought to go to war, while the Government was in favour of remaining at peace, then it would be our duty to ask the House of Commons to decide on these contrary policies. But as there is a general understanding, whatever may have been the causes of the war, that it is now inevitable and ought to be pursued with vigour, we should be taking a most improper course if, because in our opinion the war might in its origin have been avoided, therefore we should ask the House of Commons for a vote of want of confidence in the Administration. The right hon. Gentleman commenced his observations to-night by saying he assumed that every one believed the war was necessary. Far from agreeing in that assumption, I must be excused for begging that I may not be included in his category. I must say now, as I have said before, that I do not think the war was necessary. The war, perilous and expensive as it is, is a war entirely to be attributed to one man; it is entirely to be attributed to the character, career, and anterior conduct of the individual who is the Prime Minister of this country. This is my opinion, and I have expressed it before. I had not, however, the slightest wish to express it again to-night; but when the right hon. Gentleman assumes the tone that he has on this occasion, I must guard myself from misconception. I must, with great regret, say I have seen no reason whatever to change that opinion. I think that if Lord Aberdeen had not been Prime Minister of England, England would not have been at war with Russia, and that all those results which are necessary for maintaining the balance of power in Europe might have been attained without incurring the danger and great expenditure in which this country is now involved. As I am on my legs, I would say one word with reference to the Estimates that are now waiting our consideration. It is only two short months ago that the financial statement was made. It was made one month before the termination of the financial year—a very unusual, and I consider a very unnecessary course—a course only to be accounted for by remarkable circumstances. What were those circumstances? The Government, as we understand, knowing that they were about to engage in a great struggle, acknowledged the necessity for a very considerable increase of expenditure. Her Majesty's Ministers thought it was the most frank, the most honourable, and the most honest mode of proceeding, to anticipate the usual period of placing before the country their financial condition, and at once to let the House of Commons and the country understand that a great and extraordinary expenditure had been incurred, and that consequently very great sacrifices were expected, and were necessary. It was understood that upon the whole the Government, in taking the remarkable step of making the financial statement a month before it was necessary, had shown confidence in the country and in this House; and their frankness was appreciated, in order that we might prematurely understand our position. What was that position? We were told that the revenue was in a state of prosperity; we were told that we had a surplus of 3,000,000*l.*, but that in consequence of the perilous position in which we were placed, we had to incur an increased expenditure of 6,000,000*l.*; so that the country was prepared for an absolute deficiency of 3,000,000*l.* upon the coming year. The country, therefore, was asked at once to make a considerable sacrifice by virtually doubling the income tax; and I now ask the Committee whether that sacrifice was not made with unanimity, and, I may add, even with confidence in the Government. Well, two months have only elapsed—it is only one month since the financial statement was made—and now we are asked for supplementary Estimates to the amount of 5,600,000*l.* If it is necessary for the honour and interest of the country that we should vote 5,600,000*l.*, the House of Commons will certainly not hesitate to vote it; we are prepared even to go further for such objects; but surely Her Majesty's Ministers two months ago ought to have formed some more correct estimate of the demands for the public service than they appear to have done. I should like to know upon what grounds they supposed, only two months ago, there would be an increased expenditure on account of the war to the amount of 3,000,000*l.* sterling, whilst now we find, only two months after that estimate, that the amount required is 8,600,000*l.* This, mind you, was an estimate made in a state of war, when it was not very probable that it would not be exceeded. But if there was at that period such a want of data on the part of the Government, such an absence of authentic materials, that it was not in their power with any certainty, with any exactitude, with any approximation to accuracy, to place before the House the real state of our affairs, and the basis upon which they made an appeal to us for an increase in the burdens of the people, why have precipitated the financial exposition? Why, when they might have waited another month, and by that time have obtained more accurate data, have precipitated the financial statement, and told us that the probable amount required of increased expenditure would be only 3,000,000*l.* sterling? But eight weeks have scarcely passed before we find that estimate nearly trebled, and trebled under circumstances which will not allow us to indulge in the fallacious expectation of supposing it to be excessive. I think these are circumstances that could hardly have passed unnoticed. It is a very remarkable thing that we should have had the financial statement anticipated unnecessarily. Such a proceeding is inconvenient to the public service; it is awkward and inconvenient to the Minister of Finance himself, because it obliges him to give us only an estimate in respect of the last month in the year; while it is inconvenient to the House, and injurious to the country, if through such anticipation, we are unable clearly to understand our position, clearly to comprehend our increased liabilities, and the amount of the increased sacrifices and burdens to be imposed upon the people. I think, therefore, that it ought to be explained to us, why, instead of a deficiency of 3,000,000*l.*, there is a deficiency of nearly 9,000,000*l.* We have heard that the Government have great plans. The noble Lord the Leader of the House, when he sacrificed with so much emotion the darling policy of his life, and gave up the measure for which he condescended to become a subordinate Member of the present Administration, said he could not take upon himself the responsibility of breaking up a Government that was responsible for the war in which the country was involved, and for the measures which they had prepared in order to carry on that war with vigour and success; and the House, even those who sit opposite to the noble Lord, responded to that feeling, which they believed was a genuine and patriotic feeling. Though the noble Lord was in a difficult and painful position, he was justified in making this great sacrifice, being responsible, as he said, for the war, and for the well-matured plans which had been prepared, as he informed us, to carry it on with vigour, and, as we all hope, with success. But these plans could not have been devised, these plans could not have been matured, without the Government going into some calculation of the expense. I give the noble Lord and his Colleagues credit for supposing they had great plans, for it is the only way in which we can account for these Estimates. I give them credit for having, with painful thought and with a due sense of the responsibility of their position, mastered the whole subject—for having matured plans which they believe will ultimately bring about results satisfactory to the country and its great interests. But in devising and maturing these plans they must have been aware that great expenditure was necessary. It is quite impossible that any circumstances can have occurred within the last eight weeks that should have rendered it necessary to increase the Estimate from 3,000,000*l.*—an Estimate framed after long and mature calculation—to one of 9,000,000*l.* If that be the case, if the noble Lord and his Colleagues had these great plans, which I sincerely believe they had, for carrying on the war with the requisite vigour and energy, and with the hope for success, why were we not told frankly, a few weeks ago, of the position in which we were? I want to know why the financial statement was anticipated by one month? It was not necessary to anticipate it by a month; on the contrary, in the circumstances in which we now find the Government were placed, it would have been of the greatest advantage that it should have been postponed to the last moment, in order that they might have had the most authentic data upon which to form an estimate of the probable expense, and of the demands upon the country. Instead of that the Government anticipated the necessary duty which they were obliged to fulfil; and their disadvantage, as well as ours, is proportionate. They come forward and tell us, upon the 5th of March, instead of the 5th of April, that we are about to be involved in a great struggle, that there must be very increased demands upon the resources of the country, and that they must for six months double the income tax. Now, if they had postponed the financial statement until the proper, regular, and usual time, four weeks ago, surely Her Majesty's Ministers, coming forward on the 5th April, thus completing the financial year, would have acted more fairly to the country than by first making a statement in March, and then coming forward with a new appeal to the House in May, and that so outraging, I may say, all the Estimates which have before been submitted to us. I want to know from the Government, therefore, what was the use of making the financial statement a month before it was due? What was the use of the Chancellor of the Exchequer offering us in his Budget an estimate of the resources of, and demands upon, the country for the last month of the year? What was the use of his coming forward at so critical a period, when it was necessary that the country should have the most distinct and definite idea both of its responsibility and of its resources with all the disadvantages of the financial year not being concluded? And to do what? To burden the country with a large increase of taxation—a taxation which the country was prepared to bear for a great object—but at the same time to offer to the House the most delusive estimate of the responsibility which it was incurring ever yet offered to the consideration of the House of Commons. I consider that it would be but courteous to the House that this should be explained. I think, instead of the First Lord of the Admiralty referring us to those blue books which he has before treated with such indifference, and telling us that, because we had not brought forward a substantive Motion upon those blue books, we entirely approve of the conduct of the Government — I think, upon an occasion like this, when a supplementary Estimate exceeds in amount the original Estimate of the Government, it would have been more appropriate if the Government had frankly explained the reasons which had induced them to take this course and to make this appeal. The very reason that this House is ready to support them—the fact that there is a determination to maintain the honour of the country and to support the dignity of the Crown—are additional reasons why they should have pursued such a course. These are circumstances quite unexplained. I, therefore, as I have previously stated, do not understand why the Chancellor of the Exchequer should have anticipated the financial statement by one month. His only reason, he stated, was that the country might clearly understand its position; it now turns out that the country did not understand its position from that statement, but, upon the contrary, that he completely misled and bewildered the country. If the financial statement had been made at the end of the financial year, we should have been four weeks nearer the truth than we were at the end of the month of March. I conclude that Her Majesty's Government will not deny that, upon this day month, the 5th of April, they must have been completely masters of the circumstances that have rendered it necessary for them to come forward and make this enormous appeal for the support of the House. If upon the 5th of April, the conclusion of the financial year, they were completely masters of the circumstances that rendered it necessary for them to make this increased and enormous demand upon the resources of the country, would it not have been better to have made the financial statement at the usual time, and thus to have put the House of Commons and the country in complete possession of the facts, and thus have prevented the great mass of delusion and unintentional deception which has taken place? When we remember the extraordinary statement made at an extraordinary time, as the basis of the claim for increased taxation, I must say that the conduct of Government does require explanation. The proposition of the Government to double the income tax, by the mode in which it was put, was one which I do not think could have been justified unless it had been accompanied by a statement of the position which, in the opinion of the Government, was complete and accurate. Why, if there was a necessity for an increase of our burdens—if there was impending over us an increased expenditure, not of 3,000,000*l.*, but of 9,000,000*l.*, and if the Government at that time, or at the end of the financial year, were, as they must have been, in complete possession of the facts, I want to know whether they were justified in proposing that increase of taxation which they brought forward? If a month ago they could have known they would want 5,600,000*l.* beyond the previous Estimates, were they justified in bringing forward that peculiar, that modified, and, I will now call it, that mutilated financial proposition which they offered to the consideration of the House, as the means, and the sufficient means, by which the war was to be carried on? This is the question I should like to have answered. But, after all, there is another very important consideration. What is the use of a financial statement? What is the use of the Ministers of the Crown coming forward and making a financial statement to this House? The use, the precious use, of that constitutional ceremony, if I may so call it, is, that a free people should clearly understand the liabilities they incur in supporting a policy which they approve. It would be a very great disadvantage that the Government should involve the country in a war, and not come forward and ask from the House, in clear language, and with a definite meaning, the resources required to carry on the war with effect. I should think, if they neglected, unreasonably, that duty, they were acting in a manner highly unconstitutional and improper; but this I say without reserve, that I think it much preferable that the Ministry should involve the country in war, and should neglect clearly to let the people know what is the responsibility they are incurring by sanctioning their policy, than that they should prematurely come forward, offering estimates and making financial statements which lead the country and the House of Commons to conclude that their position is the contrary to that in which they find themselves. I should not have risen to-night had it not been for the peculiar views which the right hon. Gentleman (Sir J. Graham) introduced into his remarks, and having risen I have felt it my duty to express these opinions. I believe they are not solitary opinions upon this side of the House; and I think they have been expressed upon a subject with regard to which the country expects explanation, and has a right to demand it.

LORD JOHN RUSSELL: Sir, the whole of the speech of the right hon. Gentleman who has just sat down appears to me to have arisen from a complete misapprehension of what was said by my right hon. Friend near me (Sir J. Graham). My noble Friend the Member for Marylebone (Lord D. Stuart) thought fit to say we had delayed too long the declaration of war; upon which my right hon. Friend, naturally, and almost unavoidably, remarked that that was a question which it would be exceedingly proper to have brought before the House. If the Government had unduly delayed the declaration of war to the injury of the public interests, that, my right hon. Friend said, was a question upon which my noble Friend the Member for Marylebone might have asked the opinion of the House. Thereupon the right hon. Gentleman (Mr. Disraeli) starts up: he considers this is a defiance to himself and to his party, and he is exceedingly angry with my right hon. Friend. Now it certainly appears to me that his anger was quite uncalled for, seeing that no defiance was intended to the right hon. Gentleman or his party. My right hon. Friend did not refer to those who are opposed to us in general policy, but he peculiarly remarked upon the very handsome and liberal manner in which all had declared their adherence to the proposed Votes of this evening. The right hon. Gentleman, however, takes occasion thereupon to reiterate his opinion that the whole cause of the war is to be found in the fact of the Earl of Aberdeen being Prime Minister of this country; and that his holding that high office is the cause why the Emperor of Russia has persisted in his aggressive claims upon Turkey. That is a question of which the right hon. Gentleman may be fully convinced in his own mind, but he has no proof whatever of the statement. He is wholly unable to support by any document the statement he has made. It may be his private opinion, it may be the conviction of his own mind, and I am sure I do not envy him the enjoyment of that conviction. But I do not mean to provoke him to place before the House, in the shape of a Resolution, any such private opinions of his own. No doubt the right hon. Gentleman thinks that, although the Emperor of Russia is very ambitious—that although he is much bent upon plans of aggression—if he had known that the Earl of Derby would have been Prime Minister and the right hon. Gentleman Minister of Finance, as in 1852, he would have been so struck with terror, and so frightened with the intelligence, that his unjust aggression upon Turkey would have been at once withdrawn—that Prince Menchikoff would have retired from Constantinople, and the Sultan would have remained in undisturbed possession of his invaded provinces. That, no doubt, is the entire conviction of the right hon. Gentleman; but I cannot say that I entertain it myself. Though I find fault with the Emperor of Russia, I cannot but admire the determined spirit of his character; and I believe that even the circumstance of the right hon. Gentleman being Minister of Finance, even with the promise of the mysterious plan to which we had some dark allusion a year and a half ago, would not have deterred the Emperor of Russia from arming his subjects and sending them on an aggressive march against the Sultan. This, then, is the only conviction which the right hon. Gentleman has to state on this occasion with regard to the cause of the war. We have had the whole matter debated upon the blue books; it has been debated upon a full review of all the despatches that were written. I certainly do not wish to revive on this occasion any of the arguments then used. Members of this House, and the right hon. Gentleman among them, were fully entitled to make any observations and to enter into any discussion upon the subject. That discussion was continued for a considerable time; and it ended without any proposal of reflection upon the Government. The Gentlemen who sit opposite recorded their opinions by the speeches which they made; and it will be for the historian in future to read the arguments upon either side. Certainly, I do not wish to raise a discussion that appeared then to have been closed. But the right hon. Gentleman, referring to the business which is to come on upon Monday, complains very much of a plan of finance having been proposed two months ago which is not in conformity with the demands we now make upon the country. The right hon. Gentleman seems again to have been under some misapprehension, which I do not think is shared by Members of this House. He said the Chancellor of the Exchequer two months ago stated the general demands which would be required for the purposes of the year, and it was expected that no further demand would be made. On the contrary, I think when the Chancellor of the Exchequer stated that he proposed for half a year to ask for a double income tax, it was the general opinion of the House that his demands would not stop there; that demands would be made for preparations then going on. There were few, if any, I think, sanguine enough to say, "We have now come to an end of the Chancellor of the Exchequer's demands—the expenditure of the country will not be increased beyond." But there was a little circumstance in the calculation which the right hon. Gentleman has entirely omitted. Sometimes skilful algebraical calculators omit some small figure, by which the equation goes entirely wrong; and in like manner, the right hon. Gentleman in his political calculation has omitted one very small and trifling circumstance, namely, that since the Chancellor of the Exchequer made his statement we have gone to war with Russia. When my right hon. Friend the Chancellor of the Exchequer made his statement, we were making preparations for war; and, with regard to those preparations, the Chancellor of the Exchequer said that it was necessary to enact the double income tax for half a year. But negotiations for peace had not then ended. There have been repeated occasions in the history of this country, particularly during the last century, when great armaments were prepared, and when, after those great armaments had been prepared, some means were found for preserving peace, on which those armaments were discontinued or reduced. It was possible that this might again be the case. Some were more sanguine on this point than others; and my noble Friend at the head of the Government was, perhaps, the most sanguine of any person in the country in thinking that peace might be preserved. There was a hope that peace might be preserved; and there was one Government which seemed to share the hope of my noble Friend; the Government of Austria continued, even after it seemed almost impossible to avoid war, making propositions, which, if they had been accepted, the Emperor of Russia might have spared Europe the incalculable horrors and evils of war. We were among those who entertained a different opinion as to the probability; but still we should have been anxious, even at the last moment, to have desisted from all our preparations, and to have terminated the painful suspense in which we were engaged by maintaining the peace of Europe. My belief is, that, although we might have resisted the aggressions of Russia sooner than we did if Lord Derby had been Minister, and thereby have precipitated war, my opinion is, that the people of this country would not have been thoroughly convinced that it was necessary to support the Government in the war, unless they had seen that the Government had exhausted every effort to maintain peace. Well; but the right hon. Gentleman says:—"If you had been able to calculate all the demands which war might bring upon you, why bring in a partial estimate of the finance for the year—why make the financial statement in the month of March which might have been delayed until the month of April?" That may appear a very reasonable question. But my right hon. Friend the Chancellor of the Exchequer gave his reasons for it very clearly. They were very simple, very practical, and very sufficient reasons. He said, "If you delay until the month of April my proposition to increase the income tax, the Bill which has to be introduced cannot be passed until the month of June, and all the preparations that are necessary—all the papers that have been sent out in order to collect the increased income tax—will be delayed, and the revenue which I ought to receive in the month of October will be delayed until the end of this year or the beginning of the next." That was a very sufficient financial reason for proposing the increase of the income tax from the 5th of April. At the same time I think my right hon. Friend did not disguise the fact, and certainly the House was perfectly aware of it, if war actually took place with Russia, that, in the circumstances which accompany war, those burdens must be increased which we have hitherto supported, and that the demands made for extra expenditure would be insufficient. No ships containing troops and stores had then left our shores, and therefore he thought that until the month of May he might safely ask for only 3,000,000*l.*; and that sum would have been sufficient if war had not commenced. Then, again, with regard to the number of men for the Navy. We could not ask for the present increased number unless the declaration of war had taken place. But, however, as I have said, I do not propose to anticipate the discussion which must take place on Monday, when my right hon. Friend the Chancellor of the Exchequer will show to the House exactly what are the demands of the country at the present time. Every one knows that, in undertaking a great war of this kind, while there are demands which can be foreseen, there arise many other demands which are not foreseen, and expenditure arises on every side, and in every shape, to increase the general burdens of the country. It was, therefore, quite right that my right hon. Friend, in the month of March, should ask for that temporary and provisional increase of the revenue of the country, and it is also right that in the month of May he should lay before Parliament the present prospects of the country, and his view of what is required in the present situation of affairs. I do not know that there was any other statement of the right hon. Gentleman opposite to which it is necessary to give any answer at this time; but there were some observations made by the hon. Gentleman the Member for the West Riding of Yorkshire (Mr. Cobden) which cannot altogether be passed over. The hon. Gentleman is gratified with the character which we have given to this war, mitigating by a great degree the severity with which war usually presses on trade and commerce. I am very glad that we have been able, consistently with our duty, to adopt in a more mitigated sense the provisions of that international law which hitherto have been enforced with the greatest strictness by this country beyond all others. I am very glad also to think that we have discouraged the use of privateering, being of opinion that war ought to be carried on by the acknowledged and legitimate forces of the several States, and not by private individuals making what the hon. Gentleman justly calls piratical attacks upon the ships and property of the State with whom we may happen to be at war. And, Sir, when this has been said, I think the hon. Gentleman must consider that with respect to going any further than we have done, it is very doubtful, even in the view which he himself would take, being an advocate of peace, whether it would be consistent with that object that we should go to the extent which he proposes. The hon. Gentleman says, and the argument has been used repeatedly before, why attack private property, even of belligerents, on the seas, when you respect it on land? A cargo of salt is considered fairly liable to seizure at sea, while if it were in a warehouse on land, it would be respected. But if we were to go to that length, the consequence would be, that trade between two belligerent Powers would be carried on as easily as in the time of peace. [Mr. Cobden: I made an exception in the case of a blockade being enforced.] Well, but in the general case of a country having many ports—though it was not so with Russia—they could not all be blockaded, and therefore the result would be, that the trade between the belligerent Powers would not be interfered with. Let us consider whether, if that were the case, we should not deprive ourselves — whether belligerents would not be deprived of the means of bringing war to a close—whether we should not be more likely to have protracted wars if the inconveniences arising from wars were limited? When a great number of classes in the country feel no pressure from war, they will have no desire to put an end to it; for it is on account of those evils and inconveniences that men feel desirous to put an end to that unfortunate state of things. The considerations are many, but I only mention one or two. We prohibit the carrying of articles contraband of war. We do not allow pistols, swords, or cannons to be carried to the port of a belligerent; but if we are to allow merchant ships with their crews to cross the seas, we are keeping up the nursery of seamen of that country with which we are at war, and enabling them to fit out fleets with that warlike store which is the most useful and powerful of any store, namely, the men who are able to equip, navigate, and fight those ships. I think we have gone as far as is prudent to mitigate the evils of war. If we go beyond what we have at present done, instead of bringing on peace, which is the object of all legitimate war, we may produce a chronic state of war which would be a great evil to Europe and to the world. My noble Friend the Member for Marylebone, in alluding to some transactions in which this country was engaged, said, if we had but taken part with Turkey and allowed Omar Pasha to subdue the Montenegrins, Turkey would be in a far better situation, and would not have at this moment to dread the attack of the Prince of the Montenegrins and his bands. But there is one important consideration which escaped my noble Friend on this occasion. The Government of Austria, not then in concert with Russia, acting in the view of Austrian interests, said, "We cannot bear war on our frontier, carried on by the Sultan of Turkey and the Christian inhabitants, who, practically, are the free inhabitants of Montenegro." I believe that one reason why Austria could not bear that war going on was, that she foresaw Russia would interfere on behalf of the Montenegrins, and she would have a most inconvenient and harassing war on her frontier. That conjecture may be wrong, but, be it as it may, Austria said clearly, "We will not bear this war on our frontier, and if Omar Pasha, on behalf of the Sultan, enters Montenegro, in order to subjugate and destroy that people, we shall send in an army to oppose the Sultan's force." Supposing we had interfered, and instead of advising the Sultan, as Lord Malmesbury did in the first place, and as I did when I succeeded to the Foreign Office, not to send a costly expedition to Montenegro, had advised the Sultan to persist in his determination to go to war with Austria, what should we have had at this moment? We should have had Russia and Austria combined in war against Turkey. Would Turkey have been better off? Would it be an advantage to Turkey that Austria as well as Russia should be opposed to her in arms? Is it not a great advantage to Turkey that Austria is now in an expectant attitude, dreading the ambition of Russia, and ready, if necessary, to oppose in arms the consequences of that ambition? There is nothing, I think, in the whole course of these negotiations which has been so beneficial to the cause of Turkey—so beneficial to the cause which we defend as this—that Austria has not felt that sympathy with Russia that might have been expected—that, on the contrary, she has felt the interests of Austria to be involved in the further aggrandisement of Russia. She has, far from using her influence in promoting the views of Russia, been using all means to resist the aggression of Russia, and thereby given the greatest assistance and protection to Turkey. I think, therefore, my noble Friend is entirely mistaken in his views of the policy of this country with respect to the quarrel between Turkey and Montenegro. Let me say again that, although the Government of Austria has not taken that part which I should have wished, of interfering in the very commencement of these transactions in putting herself by our side in order to enforce the views we have entertained on this subject, the feelings of Austria on this subject are quite in accordance with those of England and France. They have been defined in a protocol, in which those sentiments are declared; and my belief is, that if the aggression of Russia should be pushed to the extent to attempt the destruction of Turkey, that Austria will appear in arms, in order to resist the aggression. I am quite sure if, instead of taking the course which produces such a result, we had provoked, defied, or incited Austria to interfere on the part of the Montenegrins, we should have committed an act of the worst possible policy, and, after all, it is to the union of the four Powers against this unprincipled attack we must look to ensure the safety of Europe, and to end all this vast expenditure and those difficulties which are attendant on a declaration of war.

MR. DISRAELI: Sir, there is one point in the noble Lord's speech so remarkable that I cannot help noticing it. I complained that the Government anticipated unnecessarily by a month the making their financial statement, the result of which was that they offered to the House a deluding Estimate and a deceptive Budget. That is the point of which I complained. The consequence is, that within eight weeks of that statement being made, and within four weeks only of the time when, if custom had been followed, it need have been made, we are called upon to vote a sum of nearly 6,000,000*l.* in the shape of a supplemental Budget. What does the noble Lord say? How does he account for it? What is his vindication of the conduct of Ministers? I listened with surprise to the statement of the noble Lord who, with evident self-complacency, established my case. He says—"The right hon. Gentleman forgets this important circumstance, that between the financial statement of the Chancellor of the Exchequer and the present time a great event occurred, namely, the declaration of war with Russia." I say that the Chancellor of the Exchequer ought to have made his financial statement at the usual period, that is after the lapse of the financial year. When did the declaration of war take place? The end of the financial year was on the 5th of April. The Chancellor of the Exchequer might have made his statement on the 8th, 10th, or 12th of April. The declaration of war was, if I mistake not, on the 27th of March. That proves the great expediency of not having a premature statement from the Minister of Finance. Surely Ministers, who in the beginning of March called attention to the state of the finances, must have had a tolerable appreciation of what would occur in the end of March. But that was an additional and irresistible reason why the financial statement should be made at the usual time, and that we should not be placed in the position in which we are; that Government should have waited until they could put a comprehensive and veracious statement before the country. But what is the course of the noble Lord? With these irresistible facts staring him in the face, of the behaviour of the Government, he says the Chancellor of the Exchequer wanted to get 3,000,000*l.*, and he could not get it unless he made the proposition for the doubling the income tax, at the beginning of the month of March. So, at the beginning of March, with war impending, according to the repeated declarations and warning of the Ministry, the attention of Parliament is formally called to the finances of the country. Our resources and burdens are estimated for a great and impending struggle; and for what reason? That the Chancellor of the Exchequer shall be able, by calling all this vast and deceptive machinery into play, to raise 3,000,000*l.* Whoever heard of such a peddling vindication offered for the conduct of a Minister. If he could have got 10,000,000*l.*, and could have put the country in a strong position, by appealing to the general sympathies and resources of the country, and to the confidence of Parliament, or if he could have raised a large loan, and made arrangements that, whatever happened, he was prepared to meet it, I could understand the statement of the noble Lord; but that such an unprecedented course should be taken to realise such a contemptible result, so that before eight weeks are passed we are obliged to consider supplementary estimates of this amount, is most surprising.

LORD JOHN RUSSELL: The right hon. Gentleman may consider 3,000,000*l.* a very small sum. It appears to me, no Finance Minister we have had since the income tax was introduced has thought it immaterial that it should be brought forward early in the year. On the contrary, at one time Sir Robert Peel said, if the income tax expired the proposal to renew it must be made late in the Session, and would lead to great inconvenience. When we propose to double the income tax, the same argument is applicable. To say that the Government will not make a financial statement in the month of March because it only makes a difference of 3,000,000*l.*, is surely not a prudent course. The right hon. Gentleman speaks of 3,000,000*l.* as if it were half-a-crown. He says, what does it signify whether 3,000,000*l.* are paid into the Exchequer? As the right hon. Gentleman thinks so lightly of 3,000,000*l.* it is evident that he is no longer Chancellor of the Exchequer.

MR. HENLEY said, that the noble Lord had made a most ingenious statement to the Committee, but it was quite clear he was not Chancellor of the Exchequer, because he talked of the income tax as if it existed only for a year, and had not been made permanent for a number of years. The noble Lord had made a very ingenious answer to his (Mr. Henley's) right hon. Friend (Mr. Disraeli), but it had no more to do with bringing forward the Budget in the beginning of March than it had to do with the Emperor of China. In 1853 the income tax was voted for a number of years, and he believed the assessment then made ran over the whole six years, unless parties appealed, so that the Chancellor of the Exchequer would get his money precisely at the same moment, whether the doubling the income tax was brought forward in the month of March, or April, or May. As there would be no payment under it until after the month of October, whether it was 7*d.* in the pound or 14*d.* in the pound, the only difference to the Government was in calculating the difference in the number of pennies. He did not know that he should have risen to make those observations but for a remark of the noble Lord on a different subject, which was entitled to some notice. The noble Lord made a statement which he was surprised to hear made, adopting the words of the hon. Member for the North Riding of Yorkshire (Mr. Cobden) that privateering was piratical. Private vessels of war acting under direction of the State had never been termed piracy before, and coming from the noble Lord, in his position, he considered it was very awkward. Now, private persons, acting under authority from the State, could not have such a term applied to them; and if the word were used in reference to such persons, how could the Queen's revenue vessels, capturing private property, be exempted? for private vessels of war, acting by the authority of the Sovereign, could no more commit an act of piracy than revenue vessels could. It was a very subtle distinction. The whole question was very difficult to understand. By the usage of nations it was termed an honourable occupation in time of war for war vessels to seize private property on the seas, whilst the taking private property on land was always denounced. As to relaxing the ordinary practice in time of war, and giving up part of what was called the rights of belligerents, this country had now for the first time given up that which was the acknowledged law of nations, and which, as a maritime nation, this country had maintained very jealously. However attempted to be saved by protest, he doubted whether we should ever be able again to exercise the power the Government had given up, and which he feared was of great value to us. Considering our maritime position, it was an enormous and valuable privilege, and he was afraid what the Government had done had deprived us of it for ever. If all other nations chose to take the same course, we might not suffer by it, but at present we had only got the assent of some few nations to it. He was very glad to hear that Government meant to stop where they had stopped, and did not mean to go any further in that direction. He believed what they had done was so far questionable, that it would have a tendency to prolong war, inasmuch as the inconvenience of war often prevented people running into it. He thought the country had some reason to complain of the very large amount of these Estimates. He would not say that in the month of March the Government did not give some intimation that fresh demands would be made, but certainly nothing was said to lead the House to suppose that an increase of the Estimates more than double that required then would be asked for. He did not think the House had been treated with candour on that occasion, because it was quite impossible the Government could not have been aware then—having undertaken to send troops abroad—that something like these Estimates would be necessary. The Chancellor of the Exchequer had been in the market to borrow money since, and, no doubt, could borrow on better terms than if it had been known they were going to spend 6,000,000*l.* more money; but that was hardly honest towards the people who were going to lend the money.

Mr. LAING said, it was clear the right hon. Gentleman, who had last addressed them, looked on privateering as one of the good old Conservative institutions of the country. He thought the great majority of the country, far from taking that view, looked with approbation on the steps taken by the Government towards establishing a more civilised system of warfare. As a pure question of interest, it was advantageous to put an end to privateering; and he hoped to see the principle carried out to the full extent pointed out by the hon. Member for the West Riding. It was with regret he heard the noble Lord say it was necessary to maintain the practice of seizing private property afloat, with a view to bring war to a conclusion, by the inconveniences which followed in its train. It was quite clear that precisely the same principle applied to the confiscation of private property on shore. If it were necessary to seize private ships to stop the importation of the material of war, namely, seamen, it might be just as necessary to massacre all the male population in the enemy's territory liable to be drawn for the conscription. There was historical precedent for the barbarous murder of the whole male population capable of bearing arms, but no one would think of following it. They had made a great step in the direction of not carrying on war against private property, by abolishing the mischievous system of privateering; but he hoped it would be carried to the full extent of preventing the seizure of private vessels, unless they were detected in evading an effective blockade. He thought they had been mystifying a very plain matter with respect to these

Estimates, and that it was almost a misfortune to have Chancellors of the Exchequer of such extreme talent and eloquence, because the effect was that finance became the battle-field for the display of their acknowledged abilities. According to his recollection, in making his financial statement, the Chancellor of the Exchequer never pretended the Estimates then given were final and conclusive, but stated distinctly if the war proceeded, Supplementary Estimates would be presented before the close of the Session. Under those circumstances, surely the Committee might fairly be asked to wait until the next evening of their meeting, when the whole financial condition of the country would be brought under their consideration.

SIR HENRY WILLOUGHBY said, that one of the principal doctrines laid down by the Chancellor of the Exchequer in a former financial statement was, that the country should defray the expense of the war out of the revenue of the year. There could not be a single Member of that House who must not therefore have been surprised at finding that the right hon. Gentleman, during the recess, had been obliged to resort to means for "raising the wind." It would have been infinitely better if the right hon. Gentleman had adopted a more open course of finance than he had done; but as the question was to be brought before the House on Monday, he would not say anything further upon it. There was, however, a single sentence in the one large item of the Estimates which he wished to have explained. The item was this:—Freight of transports on monthly pay, including steam-vessels, or for the purchase of the same, 3,096,700*l.* Had any steam-vessels been purchased, or had the whole sum of 3,096,700*l.* been expended in the hire of vessels? This was an important distinction, because if ships had only been hired, it would be a pure outlay of so much money at the expense of the country; but if ships had been bought, then the money to the extent of the purchases might be considered as capital still available by the country.

SIR JAMES GRAHAM said, he thought he could give the hon. Baronet the most conclusive explanation. There was no doubt that although the steam power at the command of the Government was very great, yet the cost was most enormous, whether for ships of war, or for transports. Now, by the desire of the House of Commons—for the House and the country had, in that respect, run almost beyond the natural desire of the Government—the most expeditious means were adopted for despatching the largest possible force in the shortest possible space of time to the seat of war. The Government had been almost driven to employ large steamers of 1,800 tons burden to take out some 300 or 400 troops. Large as was the power of the country to supply steamers, infinitely greater than that of any other country, yet when the Government appeared in the market, and asked in the course of six weeks for no less than eighteen steamers of 1,600 and 1,800 tons burden, to take troops, stores, and provisions to Malta, a demand to such an extent must have run up the price of freight enormously. He had, however, to inform the hon. Baronet that the Government, finding this demand for shipping to be so great, and the cost of hiring ships in the market so enormous, and being convinced that the demand for shipping would be continually increasing, and the cost also proportionably enhanced, had determined to provide themselves with means to transport troops, stores, and provisions; and for that purpose the sum in question did cover the cost of purchasing three iron steamers of the largest class, and also a sum towards the further purchase of two more steamers, so that the Government would have the power of transporting 8,000 men in their own ships.

MR. MILNER GIBSON said, he rose for the purpose of giving his support to the opinions expressed by the hon. Member for the West Riding, in reference to the practice of making war upon the private property of individuals. If this were a proper and a just war, he hoped that he was not to be considered bound by the fiction which prevailed that every man in Russia was his enemy. A notion appeared to be entertained that, because England was at war with Russia, every man in Russia was to be regarded as the enemy of every man in England, and that every man in England was entitled to rob him of his property. He would not be a party to any such doctrine as that; for it was a doctrine which it did not become this country to maintain. Let the war—if war there was to be — be confined to military operations. Let it be a war between the Government forces of Russia and the Government forces of England; and as they had desisted from the principle of carrying on war on private property upon the land, let them also abandon it in reference to private property upon the waters. What an anomaly was it that a merchant vessel on the stocks was not a lawful prize, and that any officer who interfered with her would be liable to all the consequences of making an illegal seizure; but that the moment she was launched into the water she became a lawful prize, and might be lawfully captured by our cruisers, and condemned by the Board of Admiralty. He admitted that piracy was not a proper term to apply to privateering, when it was carried on with the sanction and under the authority of the Government, because the privateers in that case must be required as auxiliary ships of war; but he confessed that he did not see any distinction in principle between a man-of-war plundering a merchant vessel on the high seas, and a privateer doing the same thing. What he maintained was that they had no right to do it at all. The Government had no right to grant a monopoly of prize-making to any one class of Her Majesty's subjects. If one man was to rob, let all rob. But what he said was, that they ought altogether to desist from the practice. The noble Lord (Lord J. Russell) said that it was done for the purpose of producing a pressure on the enemy which might make him give up the war. The Finlander's ship was seized, and the Finlander's salt was taken, in order to induce the Finlander—who, by the by, was not allowed, he believed, to return to his own country—to exercise some kind of pressure, some sort of indirect influence, upon the Emperor of Russia, by which he might be induced to give up his ambitious designs. Now, he thought that was a very unlikely result to take place as a consequence of capturing a poor Finlander's ship. As an Englishman, he did not feel it right that the British Navy should be employed in the inglorious task of carrying the ships of the poor Finlanders into port as prizes. What was the salt thus seized intended for? For the purpose of salting the fish which was caught during the summer, and was to become the sustenance of these unfortunate people during the winter. What was the condition of the Finlander? On the one hand, he was reduced by conquest, and compelled to live under the rule of Russia; on the other hand, he was robbed of his property upon the high seas by the enemies of Russia. It seemed to him that these unfortunate people were between two fires. They were oppressed by the Emperor of Russia at home, and if he came upon the high seas, they were robbed of their little property by the cruisers of this country. And why? They had no power whatever of influencing the Emperor of Russia. And the only result was that a portion of the property of the poor Finlander was put, by the authority of the Court of Admiralty, into the pocket of some private individual in England. He would take that opportunity of asking the right hon. Baronet a question with respect to some of the prizes which had been taken. He thought that some of the Orders in Council had been rather hastily drawn up, or were somewhat imperfectly understood; for he was told that vessels had been captured by our cruisers, which, according to the regulations of the French Government, could not have been seized, and, further that no fewer than five of them were the *boná fide* property of British merchants residing in the City of London. If this were so, it seemed to him to be a strange mode of producing a pressure on the enemy. And he thought that in the present condition of the world, with our extended commercial relations, and the partnerships in ships and cargoes which must necessarily exist between the merchants of this country and the merchants of other countries — of Russia amongst the rest—it would be impossible to carry out the old plan of confiscating the merchant vessels of the enemy, without inflicting serious injury upon our own merchants at the same time. Conceive what would happen if this country were at war with the United States, and our cruisers were to capture the merchant vessels of America. Why, they would be capturing the property of the merchants of Liverpool and of the north of England quite as much as that of the merchants of the United States. No doubt, in former times, trade was much more restricted, and those relations of agency and partnerships, which had grown up during an extended peace, could not be pleaded then to the same extent as they could now; but he thought the time had arrived when the Government ought to consider the propriety of carrying still further that principle of non-intervention with personal property, which the hon. Member for the West Riding had pressed upon them. If he were correctly informed, the Orders in Council had been so drawn—it might be an unintentional mistake—as that our cruisers had power to seize vessels which the French cruisers could not capture, and that, on the other hand, the French cruisers had power to seize certain ships which the English cruisers could not touch. So that, in point of fact, an English and a French vessel, cruising in company, will always be in a condition to capture the vessels of the enemy, although they had pretended to grant the indulgence of allowing them to sail with impunity up to a certain time. He wished, therefore, to know whether this information was correct; and, also, whether it was true that the Government had given orders to release some of the prizes, on the ground that they had been improperly seized under the Orders in Council.

SIR JAMES GRAHAM said, he would first answer the last question which had been put by the right hon. Gentleman—namely, whether any orders had been given to release any of the prizes which had been taken. He was aware of but one such order which had been given in the case of a prize which had been taken in the Channel by one of the revenue cruisers, and had been taken into Portsmouth. That capture was in contravention of the Order in Council. That Order provided that Russian merchant vessels, bound to Russia from British or French ports, and the cargoes of which were taken on board before the 10th of May, should not be captured. The revenue vessel did make a capture of that description, and brought the prize into port, but an order had been given for the release of that ship. With reference to the Orders in Council regulating the capture of the enemy's ships, corresponding arrangements had been made by the two countries, and they had been put into the form of a convention, which, he believed, had been signed, and which would be laid before Parliament. There was perfect reciprocity established between the two countries on the subject, and the intention on the part of the two Governments being to act in this upon identical principles and in an identical manner, corresponding orders had, he believed, been given to their respective cruisers. If there had been any mistake in the interpretation of intricate regulations, it had been unintentional, but the principle was that which he had stated, and the intention was the same on the part of the two Powers. He availed himself of this opportunity to correct an error which he had made, he believed, in answer to a question put by the right hon. Gentleman on a former evening. He (Sir J. Graham) had said, with reference to the extension of time granted by Her Majesty in Council to Russian ships to leave ports in the Colonies, that that permission had not been granted by France. He now found that he was misinformed when he made that statement; France had given the same permission on the suggestion of this country.

LORD ADOLPHUS VANE said, he wished to ask the right hon. Baronet the First Lord of the Admiralty, whether he had read a letter which had appeared in a morning paper, in reference to the detention of a horse-transport at the Mother Bank, in consequence of the wind being unfavourable for her proceeding down Channel, and suggesting the great saving of time that might be secured by the employment of steam-tugs. He should be glad to know, also, whether the Estimates were intended to include every means of applying steam power to the transport of cavalry proceeding to the East? He thought the Government ought to thank the Conservative Members of the House for the support which they had given them in reference to the supplies required for carrying on the war; and he could not help saying that if the Chancellor of the Exchequer had adopted the suggestion which had been made from that side of the House at an earlier period of the Session, he would have negotiated his loans under circumstances still more favourable to the country than he could do now.

SIR JAMES GRAHAM said, he had read the letter to which the noble Lord had referred, and he begged to say that it was not possible to provide steam power to all the horse-transports in the way alluded to; but that arrangements had been made to provide steam power in the Gut of Gibraltar, where unfavourable winds might detain them for a long time, and also from Malta to the Dardanelles. With reference to another observation which the noble Lord had made, he might observe that, although he could not venture to offer thanks to any portion or section of the House, he had at an earlier period of the evening endeavoured, on the part of the Government, to thank the House generally for the large portion of support which on the present occasion had been given to it.

The several items in the Estimate were then put and *agreed to* as follow:—

(1.) 5,000 additional men for the Sea Service.

(2.) 461,700*l.*, Wages to Seamen.

(3.) 200,000*l.*, Victuals for Seamen.

(4.) 5,000*l.*, Admiralty Office.

(5.) 2,000*l.*, Naval Establishments at Home.

(6.) 47,000*l.*, Wages to Artificers at Home.

(7.) 1,000*l.*, Wages to Artificers Abroad.

(8.) 697,331*l.*, Naval Stores, &c.

(9.) 7,000*l.*, New Works, &c.

(10.) 30,000*l.*, Medicines and Medical Stores.

(11.) 6,000*l.*, Miscellaneous Services.

(12.) 3,096,700*l.*, Freight of Ships.

SUPPLY—ARMY ESTIMATES.

Mr. SIDNEY HERBERT said, he should endeavour to state, as concisely as he could, the details of the Estimates which it was his duty to move in connection with the Army, in addition to those already gone through. The Committee would see that this additional Estimate entailed an increase of 14,799 men, and an increased charge of 300,000*l.* This would make the total augmentation of the year rather more than 40,000 men, and increase the total strength of the Army to 142,776 officers, non-commissioned officers, and men. He had stated upon a previous occasion that every endeavour would be made, in augmenting the Army, to do so in a manner which should produce the greatest amount of efficiency. Now, they could not, when they made an augmentation so large as that which he had the honour of proposing to the Committee, namely, an augmentation of upwards of 40,000 upon 102,000, do so without a considerable augmentation of officers to command those troops. This had led the Government to consider the present organisation of the regiments, which they had found characterised by the most extraordinary variety, by discrepancies of all sorts, as inconvenient to the public service as they were unjust towards individuals. There were, it appeared, no fewer than six or seven, or even eight, varieties of regimental establishments in our Army. There were some regiments with 1,000 men, others with 800, others with 1,200, divided into two battalions, others with 850, others with 900; and the internal organisation regulating the service battalions and the depôt companies were as various as the numbers of the regiments themselves, a circumstance operating alike against the efficiency of the Army and against the just interests of the officers, who, on the one hand, were liable to undue pressure of employment, or, on the other hand, according to the circumstances, were found crowding the half-pay list, and who, having perhaps bought their Commissions, thus found themselves compulsorily shelved, without the adequate return for their outlay or the adequate use, for the public advantage, of the services they were desirous to render. Such a state of things as this, more especially when we had most arduous and difficult military operations before us, it was out of the question to retain. In the late war the custom in the English service was to have the battalions on service in the field fed by a reserve from the battalions at home; while the French regiments consisted of three battalions, one of which at home fed the other two on service in the field abroad. The English system had been found extremely expensive, and one, moreover, which had entirely failed in its object. The reserve battalions had been sooner or later sent abroad—as a rule, indeed, to some spot where it was anticipated they would be exempt from the immediate operations of war, and so might still be considered a reserve; but even this precaution had sometimes been frustrated, as where, at Barossa, the reserve battalion found itself exposed to the brunt of the enemy's attack, and suffered more severely than our other troops. He trusted that the Committee would consent to the adoption of a homogeneous system, pervading the whole Army, and which should not be departed from. The Government proposed to augment every regiment to twelve companies, eight for active service, and four to be as a reserve at home. There would be a great many advantages from this mode of augmentation, and one leading advantage would be that it would put an end to the existing system with regard to the appointment from time to time of additional subalterns, the effect of which was the creation of a number of officers, with whom, when the immediate service was over, you did not know what to do. While, however, providing that the number of companies in each regiment should be the same, it was considered expedient that the numbers composing these companies should be different, according to the service in which they were to be employed. The *cadre* of the regiment would remain fixed, while, as to the number of its men, it would be capable of expansion in case of war, or of contraction on the return of peace; and the general *cadre* of the Army would be kept unimpaired, without at any time attracting men into the service with whom, in peace, we knew not what to do. In the French Army they never lessened the number of the officers, and with the establishment now proposed for the English Army, of twelve companies per regiment, that Army would have the power of contraction or expansion, according to circumstances, over the companies to the number of 50,000 men, which, according to all the ordinary conditions of war or peace with us, would be the full additional number we should be likely to require. Should this proposition meet with the approbation of the Committee, he trusted that, when circumstances should enable us to reduce the number of our military force, Parliament would not depart from the principle now introduced, or by capriciously reducing the *cadre* of the Army and of the regiments, or by capriciously reducing the number of the officers, ruin that efficiency which, he had every confidence, the system proposed would introduce into our Army, far beyond any precedent among us. There had been in the course of the last twenty years various augmentations of the number of our Army officers, as constantly followed by large reductions, attended with great expense to the country, and, above all, with infinite inconvenience, when we were endeavouring, as now, to recruit large numbers of men. The regiments which had gone out now had at present 850 men; it was intended by Government to increase that number to 1,000 per regiment on service, which would give 800 fighting men to each, allowing, as was the rule, 100 deducted for band, orderlies, pioneers, clerks, servants, &c., and 100 for the sick list; a number which was the least that could be allowed for during the operations of the field, the marches, the irregularities of food, the exposure to climate, and so on. There had been cases in which, as at Albuera, one-half the force was disabled, or, as in the Sutlej, where, in six days, one-half of the force was unable to appear, or, as in Scinde in 1843, where, of the 16,000 troops under Sir Charles Napier, all but 2,000 were laid up with sickness at the same time. According to the establishment he proposed for active service, of 1,000 men per regiment, the number of additional men they would have to raise would be 42,000. It was extremely difficult to make any estimate with an assurance of accuracy to cover the number of men voted, because no one could say with what rapidity or otherwise the requisite number would be obtained. It was proposed to raise an additional force of 42,000 over and above the existing force of our Army. The annual casualties from various causes in the Army were estimated at 12,000, and therefore if they succeeded, which he could not predicate, in raising the entire number of men wanted, they would have to raise 52,000 men within the year. When he looked back to the numbers of men raised for the Army in former years, he found that the greatest number obtained in any one year fell much short of the number now required. The number of recruits raised for the regular Army by the ordinary mode of recruiting from 1794 to 1806 had been—

In 1794,	38,563	In 1800,	17,829
1795,	40,463	1801,	17,413
1796,	16,366	1802,	7,403
1797,	16,096	1803,	11,253
1798,	21,457	1804,	9,430
1799,	41,316	1805,	11,677
In 1806,	11,875		

He therefore trusted that the Committee would bear in mind the difficulties which had been experienced heretofore in raising great numbers of men for the Army, and notwithstanding the superior facilities for that purpose, in many respects, which had existed during the last war, and to which we had now no recourse. In every other country of Europe there existed some compulsory means of recruiting the Army. During the last war we ourselves had one indirect method of doing this—by bribing men out of the Militia with high bounties, and leaving the deficient ranks of the Militia to be filled up by ballot. At the present time we had raised a considerable militia force, nearly numbering 70,000 men, without having had recourse to the ballot at all. We had begun recruiting for the Army under circumstances of great difficulty, because at no period had labour been in such great demand, or so highly remunerated, so that there was great competition to meet in recruiting for the Army. Yet, during the last three months, we had been raising recruits more rapidly than at any former period. We had in that period raised not fewer than 10,000 men, not, however, to be reckoned as all pure gain, because there must be deducted the loss of 1,000 men, from sickness, termination of service, and other causes. On the other hand, in the present month there was likely to be a large accession of recruits in the Militia, and when these recruits had been two or three weeks in that force, experience showed that the ties of home became weakened, and the men grew attached to the service, and more and more ready to enter the regular Army, so that a large augmentation might be anticipated from this source. And let him take this opportunity of bearing his warm testimony to the great value to the country of this militia force. He had lately been much in communication with the officers commanding the militia regiments, and he most gladly expressed the sense which Government entertained of the eminent services which these officers had rendered to the State. As a matter of course, it was the general wish of these officers to keep their regiments in the highest possible state of efficiency, and therefore it had been with the utmost reluctance that he had asked them to assist him in recruiting for the line; but he had found, notwithstanding that natural desire of them to which he had adverted, that the becoming emulation which existed among them as to the efficiency of their respective corps was overborne by their patriotic desire to assist the public service by recruiting from their own ranks into the line. He had, then, every reason to hope that, from such sources, we should be able in the course of the year to raise a large proportion of the troops we required. There was a misprint in the Estimate, which it might be as well to notice before putting it into the Chairman's hands. It related to the number of men, which was stated differently in two places. The number actually to be voted amounted to 14,799, which, together with the number voted previously, would make an increase in the year, in all ranks, of 40,493, and a total charge of 7,157,486*l.*, being an increase of 1,132,470*l.* over the Estimate of last year. He would conclude by moving that a force of 14,799 be raised for the service of Her Majesty.

Colonel DUNNE said, he would not follow the right hon. Gentleman into all his statements. Several regiments had different establishments, but they had never been used since the war to supply the battalions on service. He was aware that in most French regiments there were three battalions, and he was also aware that it was the rule in France to keep the third battalion in reserve. He wished to ask whether it was intended to do away with the second battalion of the Rifles, the 60th, and the Royal Regiment. He also wished to know what depôts were to be kept up at home, and whether two out of every twelve companies were to form the provisional battalion. He did not attempt to give an opinion on the system, but it certainly was at variance with the provisions of the Duke of Wellington. He did not apprehend that the right hon. Gentleman would find anything like the number of men he proposed. He certainly would get some from the militia; but then the Government had cut off a large source of supply by excluding Ireland from the militia. He was aware this was done on the ground of saving expense; but it showed a want of confidence which would, he was satisfied, act on the recruiting service in Ireland. He likewise wished to know, if 412 officers were to be added to the Army, how they were to be added to each regiment; and whether the officers of each regiment would be promoted in the order of succession? There were many officers on half-pay who would sell out and join the Army if assured of full pay, which would furnish experienced officers, and, at the same time, lighten the dead weight on the country. He also wished to know if it was the intention of the Government to augment the cavalry, which, though 31,000 at the close of the last war, was now not 7,000, and none of the regiments of which it consisted could bring more than 300 sabres into the field. The artillery was the most perfect in the world—thanks to the present Commander in Chief—and the troops of that arm that had gone to the East could not be surpassed in the world.

Colonel LINDSAY wished to put a question to the right hon. Gentleman as to the distribution of officers. He found that two companies were to be added to every regiment in the service, making twelve companies instead of ten. The natural inference was that six officers would be added to each regiment. He wished to ask if it were the intention to add the same increase of officers to regiments serving abroad, or to confine the number to the present establishment serving in the field? Three officers a company would not, in his opinion, be sufficient to perform the duties in time of war.

Mr. SIDNEY HERBERT said, he would answer the last question first. It was intended that every regiment should consist of twelve companies. The service companies would be eight and the depôt companies four. The depôt companies being four, and being joined together, would constitute the provisional battalion.

The hon. and gallant Member for Portarlington (Col. Dunne) appeared to doubt whether that was a good arrangement, and he (Mr. S. Herbert), being a civilian, did not set up his judgment against the hon. and gallant Officer's; but he must say that, in his opinion, the balance of evidence was in favour of the depôt battalion. He believed, though he was afraid that it would be considered almost heresy to say so in the presence of so many officers, that the drill in the English service extended to an unnecessarily long period, and that the recruits were frequently driven to desperation by the mere force of being perpetually drilled without learning battalion movements. The companies abroad would have three officers, but if it should be necessary, as he feared it might, to augment them, it must be recollected that there would be going out constantly numbers of recruits, accompanied by officers; and it was thought, on the whole, to be more advantageous, by persons who had the experience of the last war, that the formation of an additional body of officers was a better mode of strengthening the service companies than giving additional subalterns to each company. The hon. and gallant Member had also asked if the cavalry would be augmented. He (Mr. S. Herbert) believed it was intended to make an augmentation to the cavalry, though not of course on such an extended scale as in the infantry regiments. With respect to the mode of augmentation, he thought the gallant Officer was perfectly right in some of the suggestions he had made. He thought that in making the augmentation they were bound to make it in a manner the most efficient, and at the same time the least costly to the country. It was necessary they should take care that no officer remained on half-pay when there was an opportunity of serving on full pay, if he were efficient for service. In the case of those efficient for service, they would be transferred to those additional companies; but of those ranks there were very few officers on the half-pay list efficient for service, they being generally superannuated. In such augmentation the regiment should have advantage from the increase of officers, but at the same time they would relieve the half-pay list as far as was consistent with the efficiency of the regiments.

Mr. HUME said, he did not grudge the men that were asked, but as they were told that great changes were to take place, he wished to know who was to be responsible. The right hon. Gentleman had said that they were about to do so and so, but that he was a civilian and could not answer. [Mr. Sidney Herbert: I did not say that.] A Commission that sat to inquire into the administration of the Army recommended certain changes. The Committee that sat in 1848 and 1849 had also recommended an entire change; but up to that hour they had got no change. Now, they were told a great change would take place, and he wanted to know if the Duke of Newcastle, or the right hon. Gentleman the Secretary at War, or the Commander in Chief, was to be responsible for it. He could not help thinking that they were acting very unwisely in voting money, and allowing changes to be made, without having those changes fairly and properly considered, or without giving to the Army an opportunity of knowing by whom the changes were recommended. He did not pretend himself to offer an opinion on the subject, yet he felt a deep interest in having the Army efficient, and wished to reduce the class that had been alluded to by the hon. and gallant Gentleman opposite (Col. Dunne), because he knew that complaints were made by officers that were placed on half-pay because they were not enabled to get on service. They now proposed to have the Army put on a proper footing, but was that the time to put the Army on a proper footing, when they were going into the field? What he complained of was, that it had not been done before, but he wished to see unanimity on the Vote, and that there should be no division whatever. The efficiency of war depended upon unity of action, but every part of their establishment was clogged with impediments, and by correspondence between the different authorities that exist. There was no part of the world in which the Army was so badly managed, where the public expenditure was more in proportion to the service, or where the officers employed had more injustice done to them. In Austria, France, or Prussia, the officers who wish to go on in their profession were not turned out by any casual reductions. He did not make these observations through any desire to throw blame on any particular person, but he was anxious that some one should be appointed to manage the whole details of the military service. The Secretary for the Colonies was also Secretary at War, but he had to manage the affairs of forty Colonies; and what time could he have to attend to the duties of Secretary at War? He had got an assistant at that moment, but was he the man they were to look to? No; the Government were decidedly wrong in not having some responsible Minister at War.

COLONEL NORTH said, he wished to know whether the depôt companies of those regiments when they returned from foreign service would be joined with the service companies or be independent of them? He asked these questions, as already inconvenience had occurred by the two battalions of the same regiment in the same garrison, the one commanded by the lieutenant colonel, the other by the major, being independent of each other. He hoped that the Government intended, instead of reducing the second battalions of Rifles, to increase that arm considerably. He was sure that no regiment which had been called upon to volunteer upon its return from foreign service would have hesitated to do so, but it was a great hardship upon the Rifle Brigade, that on their return from a severe campaign, almost at the very moment of their landing, that the exigencies of the service required, that they should re-embark immediately, without even visiting their families. Another circumstance, which added to the credit of the Rifle Brigade, was, that the men who volunteered into the other battalions did not receive the bounty which soldiers of other regiments received, the reason for this being, as he believed, that they would not have to change their uniforms or buy other necessaries. The right hon. Secretary at War had alluded to the militia service in which he had the honour of holding a Commission, and with regard to the present circumstances of which he wished to offer a few remarks. The present position of the militia force was very different to what it had been this time last year. A large portion of the regular Army was then at home, and the militia had received great assistance from it, and had also acquired a sort of military tone from the excellent example of the men who had been detached from the different regiments to it. The regiment now out under his orders consisted of 1,235 men, and, in mentioning some details connected with his own regiment, he believed he might add that there were a great number of regiments similarly circumstanced. The means he had of getting the regiment into any sort of order were these:—the major and one of the captains had served in the Army, one of the captains (a most excellent officer) had served in the Austrian Army, and the remaining captains, the whole of the lieutenants, and the two ensigns, had never worn a red coat in their lives until last May. The present staff of non-commissioned officers consisted of twenty men, and he had several vacancies which he could not fill because no sergeant of the line would come to him, as he found that it would not pay. He had received the other day, as a great boon, an order to the effect that the volunteer sergeants and corporals should be allowed twenty-eight days' pay and be attached to regiments of the Army, so as to learn their drill and be able to instruct the men when they assembled. In the regular Army three months was allowed to teach a recruit his drills before he took his regimental duties, and then he was not expected to be able to teach others; but these volunteer sergeants and corporals were to be able in twenty-eight days to learn their own drills and be able to teach others. The thing was impossible, and either the regular Army was a humbug or militiamen heaven-born soldiers. It might be supposed that volunteer sergeants and corporals were men who had some idea of military discipline, but it was quite the contrary. The volunteer sergeants and corporals whom he had appointed were men who had decent coats to their backs and seemed rather superior to the rest of the regiment, but they were totally ignorant of the commonest rudiments of discipline. To show the sort of persons who were expected to keep the men in order, he would read a letter which he had received from one of them. He had seen upon parade last year a respectable looking man, and, finding that he bore a good character, he had made him a sergeant. Three weeks ago he had received a letter from this man, asking him to recommend him to an ensigncy. He replied that he was sorry this could not be done, upon which he had received a most insolent letter, which he would beg leave to read to the Committee. It was in the following terms:—

"April 17, 1854.

"Sir—In reply to your letter of the 14th instant, stating 'I regret I cannot recommend you,' such an assertion must be incorrect, as you know nothing whatever against me, but might be justified in saying that you would not recommend me. I voluntarily placed myself in a position subordinate to yourself—I voluntarily forbore to appropriate whatever pecuniary recompense might be attached to my services—and now you insinuate by your remark that I have failed in my duty, and imply by your regret that there is something still worse, which you do not divulge. You have, however, learned from my former letter that I am totally independent of any recommendation that can proceed from you; and, as to your kind promise 'I will take care that every difficulty is removed from your receiving your discharge from your present regiment,' as I have legally ceased to belong to your regiment I shall never accept that or any other favour at your hands; and can only regret that I have been in any way connected with you. "Yours, &c.

"Colonel J. S. North, M.P."

Another letter had been received by his adjutant the day before yesterday from another volunteer sergeant, stating that he was about to embark, as a gentleman's servant, to America, and he hoped his situation would be kept open until his return. He did not wish to find fault with the Government, from all the departments of which he had received the greatest attention and assistance, but he was sure the country would be better pleased to give the noble Lord the Member for Tiverton (Viscount Palmerston), who had rendered such distinguished services to the country, the entire management of the militia, than to have the responsibility placed upon the Secretary at War, or upon the commanding officers of the militia. He would not willingly speak disparagingly of a force in which he had the honour to serve, but he believed that the present system was faulty, and that, if persevered in, it would sooner or later result in disaster and disgrace. It was of the utmost importance that discipline should be properly enforced. How was it that a mob of a thousand men would run away, and had often run away, before a corporal's guard? Because the mob knew that the disciplined soldiers would stick by each other to the last. How was it possible, however, to depend upon fellows who wrote such letters as the one he had just read to the Committee? He believed that if the plan suggested by the noble Home Secretary the year before last had been adopted, the efficiency of militia regiments would have been greatly promoted. He would venture to say that no colonel of a militia regiment had been better supported by his officers than he had been. They had joined depôts of line regiments, and had made themselves thoroughly acquainted with their duties theoretically, but they required that confidence in themselves which practical experience alone could give. The men, when they were dismissed from parade, had no resource, for there were no barracks to receive them, while, if they were in barracks, they might amuse themselves in their own rooms, instead of being compelled to live in gin-shops and beer-houses. In his regiment he was ordered to have ten buglers, but he had no bugle major, and by whom were the buglers to be instructed? He had 1,235 stand of arms, but he was not allowed an armourer. The men took their firelocks to their billets at gin-shops and public-houses, where every idle fellow might snap them and play all sorts of tricks with them. [*Laughter.*] That was no laughing matter to captains of companies who had a certain sum allowed for keeping the arms in order. In the line, where soldiers were taught the value of their arms, they did all in their power to keep them in efficient condition; but in the militia more damage was done in one day to half-a-dozen firelocks than could be repaired for the whole amount of the allowance received by the captain of a company.

Colonel SIBTHORP said, he must express the gratification with which he had listened to the speech of the right hon. Secretary at War, who had declared, on the part of the Government, a determination to make the Army efficient enough to resist the Russian forces. He was willing to assent to larger Votes than were now demanded by the Government, and, if it were necessary, he was ready on his own part to subscribe to promote the efficiency of the military resources of the country. He thanked the Government for the manner in which they had come forward with measures which he thought were necessary to maintain the character of the country, and the security of the Throne and of the Church. He considered that the country was greatly indebted to the noble Home Secretary for the energy, ability, determination, and perseverance he had manifested with reference to these matters. He wished he could say the same of the other Members of the Government, among whom the noble Lord was a *rara avis*. Every hon. Gentleman who had occasion to apply to the noble Lord for his advice and assistance was fully aware to what an extent he combined the *suaviter in modo* with the *fortiter in re*.

Sir JOHN FITZGERALD said, he must urge upon the Government the necessity of adopting measures for increasing the efficiency of the cavalry. The strength of cavalry regiments at present seldom exceeded 300 men, and he hoped the Secretary at War would consider the importance of placing this branch of the service in a more efficient condition.

Lord HOTHAM said, the right hon. Gentleman the Secretary at War had stated that in making the proposed augmentation to the Army it was the duty of the Government to take care that no officer who was young enough and fit to serve should be left on the half-pay list. Now, he (Lord Hotham) hoped that some rule would be adopted, in giving promotion, that would pay due regard to the period of an officer's standing in the Army. Otherwise, in some regiments it would happen that promotion would be given to officers of very junior standing, whereas in other regiments there would be two or three lieutenants who would be passed over, who had rendered longer service, and who had remained on the top of the list of lieutenants, from inability, perhaps, to purchase, and may possibly have looked forward to such a case as the present as their only chance of ever rising to the command of a company. He hoped, therefore, that the Government would take this subject into consideration, and have regard to standing in the Army as a principle in promotion.

Mr. HENLEY said, that the papers on the table with respect to the proposed increase of 14,000 men to the Army, were very meagre, and no one could have inferred from them that such a change was to be made in the whole organisation of the Army as the right hon. Gentleman the Secretary at War had sketched. The proposal to create a permanent staff for these 14,000 was a very important measure, and the Committee ought not to be asked to decide upon it without due deliberation.

Mr. SIDNEY HERBERT said, that the right hon. Gentleman (Mr. Henley) must have collected from the papers that the augmentation would not be confined to men alone, because care had been taken to state in the Estimate the number of officers who would be added to the force. The proposal was only the assimilation of the English regiments to those in India and in the Colonies as regarded the number of officers to be attached to them.

Sir WILLIAM JOLLIFFE said, he thought that, as far as the regiments of the line were concerned, the proposed changes would be an improvement on the present system. He hoped the Secretary at War would more fully explain what was intended with regard to the Rifle corps, as, from what the hon. and gallant Member for Portarlington (Colonel Dunne) had said, it would appear as though he had understood that they were to be reduced. He trusted that such was not the case, but that the Rifle corps would be considerably increased, and that, as was the case in France, the necessary grounds, with a sufficient range, would be provided for the practising and training up of this valuable arm of the service. He took a deep interest in the Army, and thought something ought to be done to increase the efficiency of our cavalry regiments. It was a reform that required immediate attention, for the Committee could not but be aware how long it took to train up the cavalry.

Mr. SIDNEY HERBERT said, the alteration of the officers would apply to all the regiments of the line and to Ireland; there was no intention of reducing the second battalion of Rifles or the First Foot; with respect to the cavalry, more attention was required to the subject of horses than anything else.

Lord LOVAINE said, that as they were sending out troops into active service, it was most important that they should have the proper number of officers.

Colonel SIBTHORP said, that, speaking from nineteen years' experience, he could inform the House that to make the horse and the soldier fit for the cavalry service, it took three years and a half.

The following Votes were then *agreed to*—

(13.) 14,799*l.*, additional Land Forces.

(14.) 300,000*l.*, Charge of Land Forces.

SUPPLY—ORDNANCE ESTIMATES.

Mr. MONSELL, in moving the Supplementary Ordnance Estimates, said he should detain the House only a very few moments. The Vote of 53,333*l.* called for very few remarks; 10,313*l.* of that sum was required for the pay of field train officers and additional non-commissioned officers to complete the equipments for the field on foreign service; 11,020*l.* additional pay; 30,000*l.* for the purchase of horses, which were much required for the artillery; and 2,000*l.* for travelling expenses, carriage of baggage, &c. The second Vote of 96,734*l.* was divided into three items—30,000*l.* for barrack supplies, those in the Tower being entirely exhausted by the exigencies of the service; 44,621*l.* for great-coats, which had been rendered necessary by the climate; and 22,113*l.* for boots, shoes, &c., for troops in the field. 2,000*l.* was required for the increased establishment, rendered absolately necessary on account of the additional work done in the department. The next Vote was 104,190*l.* for the payment of wages in the laboratory and carriage department, and it was only necessary to mention to the Committee how much the demand had been increased in the carriage and laboratory department, from the immense number of ships which had been fitted out, to account for this item. In the next Vote of 455,875*l.* for Ordnance Stores there was a sum of 100,000*l.* required for miscellaneous stores for the Tower, and the remainder of the Vote was required chiefly for the laboratory, the storekeepers, and the carriage department. The last Vote was for 30,000*l.*, 10,000*l.* of which was required for the erection of barracks at Aldershott; he might mention that, as it was not intended that the troops should remain at those barracks for any great length of time, they would be constructed in a cheaper way than barracks in this country, and Lord Raglan and Lord Hardinge had appointed persons to consult eminent engineers on the subject.

COLONEL DUNNE said, he wished to inquire whether the tents for the use of the soldiers were to be lined or otherwise. He thought otherwise they would be hardly strong enough. He also wished to know how it was so small a sum was required for gunpowder? 8,250*l.* would only provide gunpowder sufficient to fire away in one battle. Another point was, whether there was a proper range at Aldershott for rifle practice?

MR. MONSELL said, that a proper place for practising had been provided, and the tents were suitable for the climate.

The following Votes were then *agreed to*—

(15.) 53,333*l.*, Ordnance Military Corps.

(16.) 96,734*l.*, Barrack Supplies and Clothing.

(17.) 2,000*l.*, Establishments at Home.

(18.) 104,190*l.*, Artificers and Labourers.

(19.) 455,875*l.*, Ordnance Stores.

(20.) 30,000*l.*, Works, Buildings, &c.

Resolutions to be reported on *Monday.*

The House resumed.

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Order for Committee read; House in Committee.

Clause 1 *agreed to.*

Clause 2.

MR. TATTON EGERTON said he wished to move the following Amendments:—in line 5, after "advantage," insert "with respect to rates of charges, or in any other respect." Line 5, after "in favour of," insert "themselves or." Line 23, after "may be," insert "by the arrangement of the trains run by them upon such railways, and the regulations of the hours of arriving and starting of such trains at the points of junction of such railways, or the points where transit is intended to be made from such lines of railway or canal to the other." In respect to one of these Amendments, he wished to guard as much as possible against the evil arising from the exercise of undue influence by railway companies; and, in respect to the last Amendment, his object was to guard against the sudden stoppage of the public traffic.

MR. CARDWELL said, that the clause was most carefully drawn with a view of providing against such evils as the hon. Member apprehended.

MR. ATHERTON said, he should oppose the Amendments. He thought that, by mentioning one kind of obstruction, they would be giving ground for a legal argument that other kinds of obstruction were not declared to be offences under the Act. As the clause was drawn, it would be much more comprehensive than if the Amendments of the hon. Gentleman were assented to.

Amendments *negatived;* Clause *agreed to.*

Clause 3.

CAPTAIN LAFFAN said, that, although an injunction might be obtained against a railway company for an act of oppression towards another, such company might adopt other modes of annoyance which would require another injunction to put a stop to. And even then the company might adopt several other modes of oppression, which it would be difficult to stop, save by repeated injunctions. He would, therefore, propose the insertion of words, by which the past as well as the future misdeeds of a railway company would be liable to a penalty every day such acts of oppression were carried on.

MR. CARDWELL said, he hoped that the clause, as it stood, would be found effective in preventing the repetition of such oppression without the Amendment of the hon. and gallant Gentleman, more especially as he (Mr. Cardwell) would propose to insert "200*l.*" as the penalty for the offence. He did not think that they ought to adopt a new plan by establishing daily penalties for past misdeeds. With regard to a remedy for damage, nothing in this Bill would take away from any individual the right of appealing to a court of common law.

Mr. ATHERTON said, as he read the Bill, it was no part of the general scope of it to punish for past misdeeds. The complaining party would, however, still have his right to appeal to the ordinary legal tribunals of the country.

Mr. HENLEY said, he thought there was a great deal of force in what the hon. Gentleman had said. Everybody knew that when there is a disposition to annoy, a variety of annoyances might be adopted. If they merely made the penalty prospective, they would never succeed effectually in putting a stop to such inconveniences as had been alluded to.

Mr. G. BUTT said, he wished to call the attention of the right hon. President of the Board of Trade to this clause, the effect of which was to give to any court of common law, or a single judge of it, power to decide in granting in what could be only obtained in a court of equity—an injunction. There had been great difficulty and expense in this proceeding. A very important question would arise as to whether the Judge should hear evidence, and inquire judicially. If not, he could not dispose of it satisfactorily. Even at present, there was not in the courts of common law the proper machinery for granting an injunction, and yet they were now about to give all this power to a Judge at chambers—a power only exercised by the Lord Chancellor after hearing all the arguments and reading all the affidavits. They were instituting a means of obtaining these grave decisions without establishing any competent tribunal. It was stated, that if a certain offence was repeated, a certain penalty would attach—a large and a severe penalty, 200*l.* Yet, after the injunction was obtained, the company might, perhaps, give the go-by to it, and still proceed without taking notice of it. He hoped the Government would not pass this clause, which certainly contained a most startling proposition. He thought the Amendments ought to be all printed, and fully considered.

Mr. CARDWELL said, the Motion had been fully considered by legal men of the greatest eminence, who had assented to the clause in its present shape.

Mr. WHITESIDE said, he wished to know if there would be any appeal.

Mr. CARDWELL replied in the negative.

Amendment *withdrawn.*

Clause *agreed to;* as were the remaining clauses.

House resumed. Bill *reported.*

MILITIA BILL.

Order for Committee read.

Mr. VANSITTART said, he intended to oppose the Bill, and hoped the House would not go into Committee on it at a quarter past one o'clock in the morning. The Bill would give the Crown the power to call out the militia whenever it pleased. It was the most important Bill which he had ever seen.

Viscount PALMERSTON said, the hon. Member who spoke last must have been very young in Parliament never to have seen a Bill of more importance than the present. The experience even of the present Session would, he thought, have furnished the hon. Gentleman with a Bill of far greater importance. The hon. Gentleman complained that the Bill would give the Crown the power to call out the militia whenever it pleased. It was true the Crown might call, but unless Parliament voted the money they would not come. The Bill, however, did not give that power, but only authorised the Government to call out the militia, subject to the sanction of Parliament, which must vote the money. The fact was, that troops were wanted for ordinary garrison duty, and many of the militia were anxious to offer their services for that purpose.

Colonel SIBTHORP said, he had again to thank the noble Lord the Secretary for the Home Department for the zeal and determination with which he had pushed on this measure, and organised the militia force. He hoped the House of Commons would assent to the proposition of the Government, and pass this Bill.

Mr. PALK said, there were many circumstances which made the permanent calling out of the militia a matter of great importance to the agricultural community, for it deprived them of that labour which was already very scarce, and threw on parishes the burden of maintaining the wives and families of those who were called out to serve in defence of the country.

House in Committee.

Clause 1.

Mr. HENLEY said, he would point out the inconvenience and expense to which parishes would be put for the maintenance of the wives and families of the men, unless some special provision should be made for their support. He trusted the noble Lord would take the subject into consideration.

Lord ADOLPHUS VANE said, he wished to draw the noble Lord's attention to the hardship of imposing all the expense of the erection of the store-houses for the militia upon the counties, and also that the withholding of the bounty from militiamen who enlisted into the line had the effect of preventing the men from volunteering for the regular service.

Viscount PALMERSTON said, he would inquire into the position of the wives and families of militiamen under the Poor Law Acts, and, as to store-houses, he intended to bring in a general measure of consolidation of all the Militia Acts, in which the subject would be dealt with.

Colonel SIBTHORP said, he thought if there did not exist any legal provision for the wives and families of militiamen while on service, the regiment ought to contribute.

Clause *agreed to;* as were the remaining clauses.

House resumed; Bill *reported.*

House adjourned at a quarter before Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 8, 1854.

Minutes.] Public Bill.—2ª Church Building Acts Continuance.

BANKRUPTCY AND INSOLVENCY (SCOTLAND) BILL—PETITION.

A petition having been presented from the bankers, merchants, and traders of Glasgow against the Bankruptcy and Insolvency (Scotland) Bill,

The Earl of EGLINTON said, he hoped that his noble and learned Friend (Lord Brougham) would not persevere with the Bill this Session, he (the Earl of Eglinton) being convinced that there was a very general feeling in Scotland against it.

Lord BROUGHAM said, he had stated on a former occasion that he would take into his most anxious consideration the objections that had been taken in certain quarters, limited he believed in point of extent, us well as mercantile influence, to this important measure, and on Tuesday or Thursday he would state to their Lordships the course he intended to pursue. In the meantime, with respect to certain persons who had stated that they had originally approved of the measure, and had not only approved of it, but signed petitions strongly urging the House to pass it, he had to answer the suggestion that they had done so before they knew the particular provisions of the measure, and before there was an opportunity of consulting with certain lawyers and certain accountants about it. He had ascertained that the principal objection was to the official assignee; no doubt, because the official assignee came in competition with themselves the objectors and accountants, of which accountants he did not mean to say a word in disparagement. He did not mean to say that they were like those men whom his noble Friend the Lord Chief Justice and a late Chancellor, as well as himself, were accustomed to meet in the Guildhall, where, when a man said he was an accountant, it was a common observation that what an accountant meant was a man who could not give any other account of himself. He did not mean to apply that remark to the Scotch accountants or to the London accountants generally; but he reminded his noble and learned Friend of it as a fact that might have remained in his recollection as well as his own. They had in this country highly respectable individuals, and very skilful, engaged in the conduct of the bankruptcy business; he (Lord Brougham) would say, that some of the assignees and many of the bankrupt commissioners were, by long experience, thoroughly acquainted with the bankrupt law and the administration of bankrupt estates; and yet they heard that the greatest improvement made in the mercantile law, probably since it was known in this country, was the important change that took place twenty-three years since in the administration of the bankrupt law. As to the suggestion that some gentlemen approved of the measure before they knew the details, he had to say that 250 of the most respectable mercantile men in Glasgow had thoroughly considered the measure in all its details, and he was in possession of their statement drawn up after a consideration of the Bill in all its clauses, and their opinion on the whole measure, with the exception of the doubt respecting the office of official assignee, was decidedly in favour of ninety-nine parts of the provisions of the Bill. But he should have an opportunity of calling attention to the subject in the course of to-morrow, or Thursday, and in the meantime he begged to present a petition in favour of the Bill from the Leeds Chamber of Commerce, signed by the Mayor of Leeds, the official chairman, urging their Lordships to pass this Bill.

LORD CAMPBELL was of opinion that when his noble and learned Friend should announce that he postponed the Bill, there would be general rejoicing in Scotland.

LORD BROUGHAM admitted that there would be considerable rejoicing among certain lawyers and accountants.

ADMINISTRATION OF JUSTICE (IRELAND) —MOTION FOR PAPERS.

THE MARQUESS OF WESTMEATH said, that although their Lordships might not be very well disposed to entertain any subject except those relating to the all-engrossing subject of the war, yet he felt it his duty, as an Irishman, to bring forward some incidents which materially affected the administration of justice in Ireland, and the conduct of the Executive in that country. Their Lordships were aware that there was a sanguinary conspiracy existing in that country, or in some parts of it, which produced offences and crimes of a very flagitious nature. The part of the country to which he belonged had, he was sorry to say, more than its proportionate share of that confederacy and the crime resulting from it. Since the month of May, 1849, there had been committed in the county of Westmeath no less than eleven murders, besides five attempts at homicide which did not result in murder. The perpetrators of almost the whole of those crimes had escaped the hands of justice; they had not been brought home to the perpetrators; and the consequence was, that there was a very sensitive feeling in the country, and when anything was properly brought home to the criminal, unless there was good ground for the interference of the Executive in the exercise of the prerogative of mercy, the dissatisfaction arising from such interference was proportionate. At the last spring assizes there was a man brought to trial for a very flagitious murder. It was no agrarian murder, or murder of a political character—it was committed for the purpose of robbery, and under circumstances of great atrocity. A young man was overtaken upon the high road by another person, who, it came out upon the trial, had meditated the offence for which he was to be tried for a long time previously. He had ascertained that this lad was in the habit of bringing money from one place to another, which he received in execution of his duty to his master. The murderer remained in ambush for some time, and when the young man came up he walked some distance with him. He then knocked him down, killed him on the spot, took the money, and came to the neighbourhood of Dublin, where he remained for nearly a year, until he was apprehended by the police, and he was brought down last spring assizes and tried for the offence. The best description he could give of the offence was, to quote the language of Chief Justice Monaghan, a most respectable and highly respected Judge, and a most able Judge also. The Chief Justice said:—

> "He was never present at a trial where the guilt of a man was more clearly proved, and no person who had heard the evidence could for a moment suppose that the prisoner was innocent of the fearful crime of which he was found guilty. The testimony throughout was of the most clear and conclusive character, and no doubt could exist as to the justice of the verdict. He could not hold out any hope to the prisoner in this world, and he implored him to make a diligent use of the brief period of existence allowed him before the grave should close on him, and to endeavour to obtain that mercy from God which he could not expect to obtain from man."

They were all thunderstruck in the county of Westmeath when they found that, although the Judge had thought fit to fix a day for the execution of this unfortunate wretch, there had been a commutation of punishment. All they knew was, that a memorial had been got up and forwarded to the Executive, and they also knew from report that the persons who signed it alleged as the reason why the Executive should interfere and commute the sentence, "that they did not wish to have any execution in the county." It was signed, he understood, by several Protestant inhabitants, and, amongst other persons, by the Roman Catholic bishop and by one of the Protestant ministers. Anybody who was in the least degree conversant with Ireland would know that nothing was so easy as to get up a memorial to the Executive for any single purpose whatever, no matter how absurd, or, in the case of the administration of justice, no matter how improper; and when a stone of that kind was set rolling it was impossible almost to stop it. In consequence the Lord Lieutenant of Ireland was the more bound to look into those memorials, to examine and scrutinise them, as well as the motives of the persons signing them, with the greatest strictness. There was this additional reason for it, that the Lord Lieutenant of Ireland was acting as Minister, and also as the Executive, whereas in this country, though the Secretary of State advised the Sovereign what to do, there were two persons to be consulted on the matter. He (the Marquess of Westmeath) believed, from his own experience during fifty years in that country, that if a memorial were got up, petitioning the Government to seize all the barrel-organs in the street, and set them to march before Her Majesty's troops, they would get signatures to it. It was not what a man thought that induced him to put his name to such a paper, but what he saw others do; and the question was, how they were to be guaranteed hereafter from this interruption of the course of justice. He thought the Lord Lieutenant was excessively fond of popularity; and if it were not for the sake of popularity, he did not know what his reason was for acceding to the prayer of the memorial. If the Lord Lieutenant were not actuated by the motives he attributed to him, why did he alter the judgment that had been passed upon Mr. Kirwan, a stipendiary officer, who had grossly neglected his duty, and who had appealed to the popular voice as a reason for having done so? He might also refer to the course adopted at the Clare Assizes, where the Catholic clergymen who raised the disturbance at the election were not touched, though they ought to be in the dock, and Her Majesty's soldiers were put upon their trial for doing their duty. There was also the case of a Solicitor General in Ireland, who had gone down to the county of Westmeath, and in the open day, from a window, preached sedition to Her Majesty's subjects. He (the Marquess of Westmeath) had stated in the House the nature of the evidence he was prepared to adduce in support of that charge; and what was the result? Why, the noble Duke (the Duke of Newcastle) started a collateral issue upon this matter, and led off their Lordships' attention by stating that a noble Lord (Lord Naas) had offered that gentleman office; but the two subjects had no more relation one to the other, than that House had to the mosque of Santa Sophia at Constantinople. The language was denied, but that was the way the charge was met. His reason for reviving the subject at the present moment was this—that if Her Majesty's Government were so ill advised as to recommend to the Sovereign that this gentleman should be placed upon the bench, he (the Marquis of Westmeath) pledged himself, if God granted him life, to move for the language taken down by the police in the town of Moate, transmitted to the then Lord Lieutenant of Ireland, and which language the present Lord Lieutenant of Ireland must have been as cognisant of as he was. He would thus place the Government in this dilemma—either it would have to give a practical proof that sedition was the proper road by which to attain the dignity of the ermine; or else they would have to support an Address, which he pledged himself to move, that this gentleman be removed from the bench, if he be so placed there. What else had the Lord Lieutenant of Ireland done? There had been a religious discussion going on in that country—

Lord LYNDHURST: What has all this to do with the question?

The Marquess of WESTMEATH: It proved the truth of the statement he had made, that the Lord Lieutenant was seeking for popularity. Many of their Lordships were aware that there had been much religious discussion in Ireland, and that some of the Protestant missionaries had been grossly abused. It happened, some time ago, that a bill hawker in the city of Dublin, who was distributing invitations to persons to attend religious discussions, was placed in durance for some hours by one of the stipendiary magistrates. A deputation waited upon the Lord Lieutenant to make a complaint of the magistrate; but, although there were no less than ten or twelve instances of stipendiary magistrates being removed, and although similar cases had been invariably dealt with by the Executive itself, without reference to the Court of Queen's Bench, the deputation were considerably gibed by his Excellency, and what might be called, in slang language, considerably "chaffed." They were asked whether they had gone to the Queen's Bench? But he would give no decision, because it would be a party triumph. Though the man himself was of course unable to seek redress in any such way, there were persons who did take the matter up, and the case was brought before the Court of Queen's Bench, where the redress sought for was obtained. After a considerable time, the Lord Lieutenant reprimanded this person. But what happened next? A most respectable man appeared before the same magistrate, and, though perfectly sober, was asked by him if he had been drinking. He complained to the Lord Lieutenant, who wrote a kind of pompous manifesto, stating that Mr. O'Callaghan was wrong in accusing the man of being drunk instead of administering justice; and then came the solemn decision "that inasmuch as the magistrate could not personally know this man, he could have no intention to insult him." When they found the prerogative of mercy used in this manner, must they not suspect there was something sinister appertaining to it? His (the Marquess of Westmeath's) argument with regard to all these facts was, that the Lord Lieutenant was seeking by undue means to gain popularity in Ireland. With regard to the case of the convict Luney, if it had been done in accordance with the opinion of the Chief Justice or in consequence of circumstances that had transpired since the trial, they would be of opinion that the Lord Lieutenant had acted conscientiously, and was not trifling with the prerogative which is among the most valuable institutions of the country; and this would probably be shown by the papers for which he now begged to move, and to the production of which he hoped there would be no objection on the part of the Government. He begged to move an Address for—

> "Copy of any Memorial or Petition to the Lord Lieutenant of Ireland in favour of a Commutation of the Sentence of Death passed upon Hugh Luney for Murder at the late Spring Assizes for the County of Westmeath; with the Signatures attached thereto; also, Copy of the Notes taken for the Crown of the Address made by Chief Justice Monaghan when passing sentence upon the convict; and also, a transcript of any Note or Observation made by Chief Justice Monaghan on any Memorial or Petition which had been forwarded to the Irish Government in favour of a Commutation of the Sentence of Hugh Luney aforesaid."

THE EARL OF ABERDEEN: The noble Marquess has brought a case before the House which, I must say, very little requires such intervention. However I shall direct my attention to this subject, and give your Lordships such an answer as I think will be perfectly satisfactory. The noble Marquess will excuse me—I am sure the House will excuse me—if I do not enter into the suspension of Mr. Kirwan from the magistracy, or into the affair of the Six Mile Bridge, and still less into the appointment of Mr. Keogh. All these subjects have been amply discussed in this House; and with respect to the notice given by the noble Marquess of what he will do when Mr. Keogh is made a judge, I can only say that "sufficient for the day is the evil thereof." But with regard to this case, on which the noble Marquess has founded his Motion, it was one of a most violent outrage, the consequence of which was the death of a young man. The guilty party was tried before Chief Justice Monaghan, and was convicted and condemned to death. A memorial, as stated by the noble Marquess, was a few days afterwards presented to the Lord Lieutenant, signed by the Protestant clergyman of the parish, by the Roman Catholic bishop, by various other respectable persons, magistrates and poor law guardians, and others; and the Lord Lieutenant, instead of acting as the noble Marquess imagines, in order to obtain popularity, and commuting the sentence accordingly, only did what I presume every Secretary of State in England would certainly do in such a case—he remitted the memorial to the Chief Justice who tried the case, for his opinion and advice upon the subject. The Chief Justice, after fully considering and inquiring into the particulars of the case, recommended to the Lord Lieutenant to commute the sentence of death into transportation for life; and he did it, on these grounds:—It appeared clear that, although death had ensued, the intention of the man was robbery, and not murder. He had no murderous weapon; the blow was inflicted with a stick, formidable enough, no doubt; but it was manifest that the outrage was committed with the view to effect a robbery, and not to murder the lad. It was also not quite certain that the death ensued from anything that took place at the time of the robbery, for the young man, who died shortly afterwards, as the evidence adduced went to show, had risen, and was able to walk, and he complained of no personal injury, but only of the robbery. However, there was no doubt that his death was the result of the violent outrage committed upon him, and therefore it must be taken that his death was caused by the person actually convicted of murder. I will just ask, under such circumstances, with a memorial signed by highly respectable persons in the place where the trial occurred, and addressed to the Lord Lieutenant, and referred by his Excellency to the Chief Justice who tried the case, with a report from the learned Judge that he thought it proper that a commutation of the sentence should be adopted by the

Lord Lieutenant, and that the man should be transported for life instead of being hanged, I ask the noble Marquess what he would have said if the Lord Lieutenant, whether seeking popularity or from any other motive, had chosen to pass over the memorial of these respectable persons, and had thought fit not to attend to the recommendation of the Chief Justice, what would the noble Marquess or any body else have said to the Lord Lieutenant, if he had insisted on hanging this man in place of consenting to this commutation? In fact, that is quite a sufficient answer. I hardly know what course the Lord Lieutenant could have taken but to comply with this recommendation. The noble Marquess has spoken of the matter as if the Lord Lieutenant had acted on his own impulse, and with a desire, as the noble Marquess called it, to court popularity. In the latter part of his speech, however, I think the noble Marquess said that if the Chief Justice had given an opinion in favour of the commutation of the sentence, then even he, the noble Marquess, would himself exculpate his Excellency. Well, as I have shown that the Chief Justice did give this opinion, the Lord Lieutenant, however popular he may be, will not incur the censure of the noble Marquess. With respect to the present Motion, there will be no objection, certainly, to give a copy of the memorial and the signatures attached to it; nor to give the notes taken, if any exist—for I know of no notes that were taken—of the Chief Justice's charge. If, however, they were taken by any person, whether for the Crown or for anybody else, if they are in the possession of the Crown, there can be no objection to their production. I must, however, object to the production of the confidential observations of the Chief Justice to the Lord Lieutenant on the memorial, because that was evidently a communication of a private nature, and might affect various persons in assigning the reasons why the Chief Justice had given the opinion that he had done. Therefore, I must decline to give that communication from the Chief Justice.

LORD CAMPBELL rose to express a hope that, after the explanation of the noble Earl at the head of the Government, the noble Marquess would withdraw his Motion; because, surely, that explanation must be satisfactory to the noble Marquis and to every reasonable man. The Lord Lieutenant had evidently done no more than his duty. He received a memorial respectably signed, and referred it back to the learned Judge who had tried the prisoner, and by that Judge, who must have been well acquainted with all the circumstances, he was advised to commute the sentence of death. And he (Lord Campbell) must say, that in giving that advice Chief Justice Monaghan had only maintained the high character that he had ever enjoyed. Because, although undoubtedly the offence amounted to murder—for whenever death ensued after an act of violence done in pursuance of an unlawful act, although there was no intention to murder, in the eye of the law it was a murder, and the guilty person was liable to the extreme penalty—however, there was no intention in this case to produce death, and the Chief Justice gave the advice which he (Lord Campbell) should certainly have given under the same circumstances, namely, that the sentence should not be carried into effect, but commuted to transportation. He could not sit down without entering his protest against such discussions without reason being brought on in either House of Parliament. He admitted that there might be a fair case in which the executive Government might be called upon to answer why they advised the exercise of the Royal prerogative of mercy. But what was the case here? The Judge had certainly sentenced an offender who had been convicted on clear and irrefragable grounds, and been guilty in the eye of the law of murder; but that made out no *primâ facie* ground for censuring those who advised the commutation of the extreme penalty. Unless, therefore, better evidence in support of such a course could be adduced, he (Lord Campbell) considered these discussions most unadvisable. They might just as well have a similar discussion in every case, and he need not say that the administration of justice would by no means be benefited by such a proceeding.

THE EARL OF EGLINTON thought that the noble Marquess (the Marquess of Westmeath) had a perfect right to bring this case before the House. As the Lord Lieutenant of the county, where it was notorious that the number of Ribbon murders was greater than in any other county in Ireland, he had a perfect right to ask for an explanation, because, as the case appeared to him and to the public, there was no reason for the commutation of this sentence. All doubt was, however, removed after the explanation of the noble Earl at the head of the Government. The Lord Lieutenant was perfectly absolved from all suspicion of partiality, or any desire to gain popularity, by this act. His (the Earl of Eglinton's) own experience of the routine in such cases was, that the memorial was referred to the Judge who tried the prisoner; and though he did not say that the Lord Lieutenant was always bound to adhere to the decision of the Judge, yet in the case of capital crimes, he thought, if the Judge considered that the sentence of death ought to be commuted to transportation, that almost if not quite invariably, he was bound to adhere to that advice. He, for one, confessed that he should not like to be in the position of the Lord Lieutenant who should determine on hanging a man after the Judge who tried the case recommended a commutation of the punishment. But, referring to the general question, he concurred with the noble Marquess, that it was very desirable that the Lord Lieutenant should not put too much faith in the memorials brought before him, because he (the Earl of Eglinton) knew of an instance in which a memorial was presented to him, praying for the commutation of the sentence—not a capital one—of a man for a crime, and which was signed by every member of the grand and petty juries; and he (Lord Eglinton) did not think that in all his stay in Ireland he had done a more questionable act than in pardoning that man. In the present instance, he could not see why there should be any objection to producing the observations of the Chief Justice to the Lord Lieutenant on the memorial. He was not aware that there was any secret in such a communication, and he should have had no hesitation himself in referring to and making public the answer of the Chief Justice in a case of murder. Such a document was bound up with the whole case, and deposited in the archives of the Chief Secretary's office, and the noble Earl would not object to produce it, because without it the case was not complete, and the Lord Lieutenant would not be wholly justified.

THE EARL OF ABERDEEN: I will say now, what I ought to have said before, that, of course, the Chief Justice is anxious that his answer should be given; but it is from a sense of duty that I object to give it. It is an unprecedented course, and might lead to very injurious consequences if it were to become a practice.

THE MARQUESS OF CLANRICARDE said, that, happily, Ireland was never in a more tranquil state than it was now, and would bear comparison in that respect with any other part of the United Kingdom. So far as the action of the executive Government could be supposed to have aided in producing such an effect, its results certainly appeared to be successful. But he wished to mention a subject connected with the criminal administration of Ireland, and with which, if the Government could not at once deal, it might, perhaps, indirectly be able to effect an improvement. Of late years, he was sorry to say that there had been an unfortunate disproportion between the punishment awarded to outrages on the person, and that inflicted on offences against property, by the criminal courts in Ireland. It might be a nice and delicate question to determine what the right proportion should be; but he would cite a few recent cases to illustrate his meaning—although he had reason to believe that the grounds of his complaint had been lessened of late, and were likely to be lessened still more in future. At the very last sessions, in one district, the servant of a right rev. Prelate was convicted of stealing bank cheques to a considerable amount, and was sentenced to fifteen years' transportation. No doubt the man deserved this punishment; but in the same court, on the very same day, a man who had stabbed a policeman so severely that his life was in danger for several weeks was only sentenced to twelve months' imprisonment. Again, in his own county (Galway) two men were committed for burglary without personal violence, and the one was sentenced to four years and the other to six years of penal servitude; but on the same circuit, at another assize town, a man was charged with lying in wait for another man, after a quarrel, with an iron bar, and striking him so violently that he died, and, having been convicted of manslaughter, was sentenced only to a year's imprisonment. He mentioned these instances, not with a view of pointing them against any particular learned Judge, but simply to illustrate a system of what he considered was inadequately punishing outrages against the person as compared with other offences, and which system, in his opinion, and in that of many other persons connected with Ireland, had worked very mischievously for some years in that country. He alluded to this subject with great diffidence, but he trusted that the Government would consider whether what he had stated was or was not deserving of their attention.

THE LORD CHANCELLOR, in reference to the noble Marquess (the Marquess of Clanricarde) with regard to the apparent severity of the punishment of offences against property as compared with those against the person, said, that he was certainly inclined, on reading the reports in the newspapers, often to concur with him in his opinion; but the noble Marquess would admit that there were often such shades of distinction in many cases that it was almost impossible for the most careful reporter to give the exact circumstances of each. Again, the legitimate object of punishment, abstractedly considered, was the prevention of crime; and it might well happen upon that principle, that it was not the most revolting crimes that always required to be met with the severest punishment. The noble Marquess stated that the servant of a Bishop who committed a robbery was transported for fifteen years, whereas a man who stabbed a policeman only received one year's imprisonment. Now, if the noble Marquess ever took part in the administration of criminal justice, he would have observed that the Judges were often thwarted, supposing them to be animated by a similar feeling to that of the noble Marquess, by what took place at the trial. In very many cases of a violent nature, the jury, regardless of the oath they had taken, only found the person guilty of a common assault, and the moment that was done the Judge was powerless, for he had, of course, no option but to apportion the punishment to the finding of the jury. He (the Lord Chancellor) had found this in his own experience, and so had other Judges; and the same thing might have been the case in Ireland, although he could not say for certain that it had. If it came out that the death of the person attacked was not intended, although the prisoner might have been legally guilty of murder, the jury might refuse to find him guilty of that grave charge, and would only find him guilty of a common assault. This would account for the infliction of a light punishment in these instances.

THE MARQUESS OF WESTMEATH replied. He could not accede to the proposition of the noble Earl at the head of the Government. If the Chief Justice had given his opinion in favour of a commuted sentence immediately after the trial—if the recommendation to mercy had accompanied the record of the trial, it would have been satisfactory. The precise point to ascertain was on what grounds the Lord Lieutenant had exercised the prerogative of mercy, and the only valid justification was to be sought in the reasons assigned by the Judge. He made no accusation against the Judge, than whom he believed no more able or more excellent man ever presided on the bench; but he wished to know the reasons on which he had formed his opinion.

EARL GREY hoped the noble Marquess would withdraw his Motion altogether, after the perfectly satisfactory statement that had been made by the noble Earl. It was extremely desirable to put a stop, as much as possible, to the heavy expenses in which the public were involved by the printing of all sorts of returns and papers, very many of which served no other purpose whatever than to indulge the curiosity of individuals. If the noble Marquess particularly wished to see who the persons were that had memorialised the Lord Lieutenant in the particular case, he could, no doubt, readily have his curiosity satisfied, the next time he went to Dublin, by only calling at the Castle.

LORD BROUGHAM concurred with his noble and learned Friend the Lord Chief Justice of England in approving highly of the Lord Lieutenant of Ireland's conduct in first taking the usual course of referring the petition to the learned Judge who tried the case, and in afterwards yielding to the advice of that learned Judge. As to whether the learned Judge was right or wrong in the advice which he gave, he (Lord Brougham) had no means of discovering, not knowing the circumstances of the case. The learned Judge who tried the case had cognisance of all the circumstances that came before him on the trial, and on the recollection of those circumstances, together with what other further information he could obtain when the memorial was referred to him by the Lord Lieutenant, he conscientiously advised the Lord Lieutenant to commute the sentence of death into transportation for life. The Lord Lieutenant was justified—that, indeed, was hardly the proper expression—he really had no choice, but to yield to the recommendation of the learned Judge, and to exercise the prerogative of mercy to a limited extent in favour of the prisoner. Nothing could be more wild than the idea, if ever it should get abroad, which the noble Marquess appeared to be apprehensive of—nothing could be more wild than the idea that because it was a bludgeon with which the foul crime was perpetrated, therefore it was less a murder, or that because it was a murder committed in the act of committing another capital felony—namely, robbery—therefore the learned Judge had recommended a commutation of the sentence, and the Lord Lieutenant had yielded to the recommendation. He (Lord Brougham) had been in conversation with his noble and learned Friend behind him (Lord Lyndhurst) on this subject, and he authorised him (Lord Brougham) to say that he took precisely the same view as he had now stated.

On Question, Motion, as amended, *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 8, 1854.

MINUTES.] PUBLIC BILLS.—1° Chimney Sweepers; Manning the Navy; Navy Pay, &c.
3° County Court Extension Act Amendment; Boundary Survey (Ireland).

PUBLIC BUSINESS—ORDERS OF THE DAY.

LORD JOHN RUSSELL then, in accordance with what he understood to be the general feeling of the House, moved that Government Orders of the Day have precedence of other Orders on Thursdays during the remainder of the Session.

Motion made, and Question proposed—

"That Government Orders of the Day have precedence of other Orders on Thursdays, during the remainder of the Session."

MR. FREWEN then moved the following Amendment:—That on Thursday, the 25th day of May, and on every alternate Thursday, Bills introduced by the Government, or any other Government business, shall have precedence of the other Orders of the Day till the end of the Session. He took this course because it seemed to him that the proposition made by the noble Lord was contrary to the general understanding which had been come to previous to the Easter recess. When the noble Lord moved that Orders of the Day should have precedence over Notices of Motion on Thursdays, he said distinctly that he did not wish to claim the Thursday nights for Government, but that independent Members, having charge of Bills, would then have an opportunity of bringing them forward. The consequence of this assurance was that two Bills introduced by private Members were set down for the two following Thursdays. He (Mr. Frewen) had one of these, which he was only prevented from bringing on before the recess by the noble Lord moving the adjournment of the House on Tuesday, instead of Wednesday or Thursday, as usual. It was not keeping good faith with hon. Members who had postponed their Bills in consequence of the assurance which the Government gave before Easter, if they were now to be thrown over. Looking back to what had been the practice in former years with respect to this point, he found that last year the House gave up the Thursdays after the Easter recess to the Government; but that in 1850, 1851, and 1852, the Government had only the alternate Thursdays. He believed that this would be sufficient for the Government, while it would give private Members an opportunity of pressing forward any Bills which they might have introduced.

Amendment proposed—

"To leave out from the word 'That,' to the end of the Question, in order to add the words, 'upon Thursday the 25th day of this instant May, and upon every alternate Thursday, Bills introduced by the Government, or any other Government business, shall have precedence of the other Orders of the Day till the end of the Session,'—instead thereof."

Question proposed, "That the words proposed be left out stand part of the Question."

MR. LOCKE KING thought that if the Government were now to engross all the Thursdays to the end of the Session, it would be a despotic act and a very dangerous precedent. He hoped the noble Lord would respond to the appeal now made to him, and not insist on attempting this before the 25th of May.

THE MARQUESS OF BLANDFORD thought there was much justice in the argument of the hon. Member for Sussex (Mr. Frewen); and that when he came to consider the large amount of business which was in the hands of private Members, he considered there was a claim on the Government in their behalf; and he therefore hoped the noble Lord would not press his Motion.

MR. GOULBURN thought that a question of this nature ought not to be decided with reference to the position of individual Members, but should be controlled in regard to the public exigency; and when he considered what were the various subjects which the noble Lord had to bring before the House, especially in regard to Committees of Supply and of Ways and Means, he could not doubt that the noble Lord was justified in asking the extension of time which his very moderate proposition would afford him for conducting the public business.

MR. NEWDEGATE should have viewed with no dissatisfaction the proposition of the noble Lord had he perceived that there was a disposition upon the part of the independent Members of that House to impede the business of the Government. So far from that being the case, however, he believed he was justified in saying that never had there been exhibited upon the part of those Members a more decided wish to do all in their power to facilitate that business. Besides, the period of the Session was not so far advanced as to render the Motion of the noble Lord by any means necessary. He (Mr. Newdegate) had often seen as great an amount of business stand upon the order paper at the end of the month of June as was placed upon it at the present comparatively early period of the Session; nor did he think that the course which had been taken by the noble Lord last week, with respect to the railway Bills, was such as ought to encourage the House to accede to a proposition which would enable the noble Lord to confuse the order of business upon the paper as he pleased. The Committee appointed to consider the mode of conducting the business of the House had not yet made its Report, and he thought it would be well if the House were to wait until an opportunity of discussing the recommendations of that Report should have been afforded. He believed the noble Lord did not look with satisfaction upon the notice with respect to the nomination of the Committee to inquire into the position of conventual establishments, which stood upon the paper for Thursday week. He should inform the noble Lord, however, that those who were in favour of the appointment of that Committee would be prepared to take a definite course, and he believed that so far from the public business being accelerated by the means to which the minority had resorted in order to get rid of the discussion upon that question, it would be to no inconsiderable extent impeded.

MR. V. SCULLY supported the original Motion.

MR. HUME thought considerable injustice would be done to those hon. Members who had Motions and Bills coming on upon the next two Thursdays, and he felt, therefore, that whatever arrangement might be made with reference to other parties, those who had Motions and Bills already on the paper for those two days ought to be allowed to bring them forward. He, for one, was willing to afford to the Government as much time as possible for bringing forward its measures, so that it should have no excuse for neglecting the public interest. Now, on those nights when private business only stood upon the paper he did not perceive that there was any very strong disposition upon the part of hon. Members to attend; and it was better, therefore, that those nights should to a certain extent be at the disposal of Ministers, upon whom the great burden of the public business devolved.

LORD JOHN RUSSELL reminded hon. Members that this was not a question between Orders of the Day and Notices of Motion, but between certain Orders of the Day and other Orders of the Day. The reason why he made the present Motion was, that hitherto, although after Easter Orders of the Day had been fixed for Thursdays, very much on the ground of the delay which had taken place in different Sessions respecting measures, the consequence had been, that in the middle of the month of August the House had often found themselves with business that took up twelve or fifteen hours a day. He considered that a very great evil and disadvantage, as at that time only a small portion of the House was left to attend to them; and it would be desirable, if possible, not to follow the inconvenient precedents of former days. With regard to the Bills of private Members, it had been understood, when the present arrangement was made, that subjects of which the discussion was not finished on Wednesdays, might stand over to Thursdays, but, by what he considered a great abuse, hon. Gentlemen had taken possession of Thursdays, as if they were Wednesdays, so that Government would have no advantage unless they had all the Thursdays to themselves. Members were aware that, besides the functions of Government in presenting the Estimates and other branches of public business which none but Government could conduct, there were many other questions of considerable importance on which the House wished that some discussion should take place left in the hands of Ministers. It was therefore most desirable that the House should give the Government power to fix the days on which such business should be conducted, and to have precedence on those days which were appointed for Orders of the Day. If Government were to have only two days in the week, it was quite impossible that they could bring on measures of importance, or that they could do four-fifths of the business with only two-fifths of the time.

MR. SPOONER thought it only fair that the proposition of the noble Lord should not have a retrospective effect, and that notices already on the books should be exempted from its operation.

MR. DISRAELI hoped the noble Lord would consider the suggestion made by the hon. Member for North Warwickshire. The existing arrangement had been proposed by the noble Lord himself, and was acceded to without discussion, and when Ministers came forward on the 8th of May and talked of the pressure of public business and the necessity of having greater facilities for its transaction, they should consider what would have been their position if they had gone on with the great measures they announced in the Speech from the Throne on the opening of the Session—he alluded to the Reform Bill and others which had disappeared in the same mysterious manner. Certainly, the noble Lord could not have expected to carry through his measures and at the same time transact the whole mass of public business without having had some definite plan of operations resolved upon in his own mind; but now he had got rid of all those encumbrances, and the only difficulties he had encountered in obtaining supplies appeared to have been devised by his own Colleagues. He did not, therefore, consider it at all unreasonable to expect that the noble Lord would comply with the appeal that had been made to him by the hon. Member for North Warwickshire, which seemed to him a very fair and reasonable one.

MR. COBDEN said, there were two questions before them: one, whether Government should have precedence on Thursdays from that time; the other, whether Members who had got notices on the book should be guided or not by the existing rules of the House. It would be a special hardship if Members who had notices on the paper should be deprived, by an *ex post facto* vote of the House, of the opportunity of bringing under its notice the subjects to which they referred.

Lord John Russell

SIR GEORGE GREY said, hon. Members would find, on examination, that Wednesdays were more open in the present Session than they had ever been; but instead of subjects being put down for that day, the Thursdays had been taken up. They would gain very little by making Thursday an Order day for the advancement of public business unless they gave the Government the complete command of the day.

MR. HENLEY said, that really so small a concession appeared to be asked from the Government that he hoped the noble Lord would not drive the House to the necessity of dividing upon it.

LORD JOHN RUSSELL said, that if the House were determined that the business of the Session should be carried into August instead of terminating earlier, of course he had no choice. He would consent to make his Motion "on and after Thursday, the 25th of May," protesting at the same time, however, that the Session would be thereby unnecessarily prolonged.

Amendment and Motion, by leave, *withdrawn.*

Ordered—

"That Government Orders of the Day have precedence of other Orders on all Thursdays, after the 20th day of this instant May, during the remainder of the Session."

ROMAN CATHOLIC SAILORS—QUESTION.

MR. BOWYER asked the First Lord of the Admiralty whether Roman Catholic sailors were to be compelled to attend Protestant religious worship?

SIR JAMES GRAHAM said, that the question which had just been put to him by the hon. and learned Gentleman was one which in various shapes had repeatedly been put to him in the course of the present Session, and to which he had on each occasion endeavoured to give the most explicit answer. He should now repeat that answer, in the hope of making his meaning intelligible to all hon. Members. The naval regulations upon the subject were based upon Statute, and the first of those orders, which had existed for 100 years, was, that every Sunday divine service should be performed on board every ship of Her Majesty according to the ritual of the Church of England. According to that regulation, the officers commanding those ships, and all persons serving on board them, should be "permitted"—that was the word—"permitted," and not "compelled," to attend such divine service. He had every reason to believe that the officers commanding Her Majesty's ships, in strict compliance with the terms of that regulation, did "permit" the attendance of Roman Catholic sailors, but did not compel it in violation of conscientious objections. At all events, that was the spirit of the regulation, and, as he had before stated to the House, he was not aware that up to the present time a single complaint had been made on the part of Catholic officers and sailors of the manner in which it had been carried out.

THE FINANCIAL STATEMENT—WAYS AND MEANS.

Order for Committee read.

House in Committee of Ways and Means, Mr. BOUVERIE in the Chair.

THE CHANCELLOR OF THE EXCHEQUER: Sir, towards the end of the month of February, Her Majesty's Government found it to be their duty to propose, and the House has been pleased to sanction, such an addition to the expenditure of the country as would necessarily entail an addition to its taxation. It was also the view of the Government that that addition to taxation—the necessity for which was then demonstrated—should be made in the form of doubling the first half-yearly payment of the income tax. At that period war had not been declared, and it was totally impossible for the Government to form any reasonable or trustworthy estimate of the expenses of the year upon a footing of war. It was also impossible for them to judge at what precise time even the calculations of probable outlay connected with a state of things happily so novel to most of us, would be completed; and, moreover, they had to consider that the passing of the income tax, and the doubling of the first half-yearly payment, was a measure requiring to be treated at a very early period of the Session, because the machinery of collection connected with that tax is so complex and laborious, and the time required in preparing it is so considerable, that, unless the House pass it at an early period of the Session, the tax is thrown greatly into arrear; and, in truth, if the financial statement had been materially delayed, many payments of money that ought to be subject to that tax might have escaped it altogether. Under these circumstances it was, and because the course was thought most constitutional, that on an early day of March I made an application to the House, on behalf of the Government, for such a sum as they then thought necessary; but they instructed me to state—and I followed the instruction—that the demand then made on the representatives of the people was not a demand adequate to the requirements of a war—that it was that demand, and that demand only, which we knew had been entailed by the fact that we had sent an expedition to the East; and that in the event of the realisation of that calamity which at that time we all apprehended—in the event, namely, of a declaration of war, and of the continuance of that war—on which we now must, of course, calculate—it would be necessary for me again, on the part of the Government, to appeal to the House afresh, and to make an augmented demand on the resources of the country. Sir, that duty I now rise to discharge; but, before I discharge it, it is necessary, I think, for my own honour, and, I am sure, on account of the respect which I owe to this Committee, that I should advert to the accusations that have been made, industriously enough, occasionally within these walls, and sometimes elsewhere, to the effect, both that the Government is liable to great discredit for the manner in which it has dealt with the essential department of finance, and that, in particular, the person who is now addressing you is totally unfit to be entrusted with the management of that department. Now, Sir, there are those who say that a period of war is not the time when questions of confidence should be entertained. To that I reply that even as regards an Administration, still more as regards a Minister, and most of all as regards a Minister of Finance, the period of war is the very last when that important trust should be committed to the hands of a man who has been discredited in the view of the House and of the country. It is, therefore, my duty to advert to those accusations; and I am sure that those who hear me—whether or not they agree in all the propositions which I may advance, and however largely it may be necessary for me to tax that patience which I know, from experience, to be unbounded—I am quite certain, I say, that the House will not grudge me the time necessary to make them masters of the facts as they have occurred; since, inasmuch as they are the persons ultimately responsible to the people for the management of the funds levied off their industry and their capital, I am bound, so far as I am concerned and as it is possible for me to do, to place in their hands all the information necessary to enable them to form a correct judgment on a matter so important. Sir, it has been stated, in the first instance—and although these matters are retrospective, yet they have a prospective bearing; and I hope the Committee will not deny me, on that account, the time necessary for stating and discussing them properly—it has been stated, in the first instance, that there has been gross mismanagement of the unfunded debt of the country. The particular allegations, Sir, are these:—It has been said, that in the spring of last year the rate of interest on Exchequer bills was rashly and unwisely lowered, with great discredit to those securities, and with an ultimate loss to the public, on account of a necessity thus caused of raising that rate of interest at a subsequent period to a higher sum than would otherwise have been required. That, Sir, undoubtedly is a very serious matter—because the unfunded debt of the country is of vital importance, at least in my view, in a time of war. It is then that you require to have the means of its rapid and easy extension. If you take care in ordinary times to maintain your credit in such a state that you can rapidly and easily extend your unfunded debt in a moment of need, it is perfectly plain that you may dispense, in the interest of the State, with the costly, but otherwise necessary practice, of keeping in hand, and lying idle, a great sum in the shape of an Exchequer balance. Now, I cannot pretend that what was done last spring with respect to the unfunded debt was hastily or thoughtlessly done. On the contrary, I say, it was deliberately and advisedly done; and I am desirous that the Committee should form its own judgment of this proceeding, because, as I said before, the House of Commons is the party who is ultimately responsible to the country, whose authority must ultimately regulate the conduct of finance. I go on, then, Sir, to state that the proceeding was founded on these two principles: in the first place, the public is entitled to borrow money in the market on the best terms which its credit will command; and in the second place, in order that the unfunded debt may be carried to the full height of its utility and power in difficult times, you ought to keep it within narrow limits in easy times. These, Sir, were the principles on which I thought it my duty to act. What was the state of things to which I had to apply them? A state of things had grown up in which the premium on Exchequer bills—a security running, according to usage, for twelve months only — amounted frequently to about double the whole interest of the twelve months' currency. What, then, was the effect of this, first, in regard to the holders, and secondly, in regard to the State? As regards the holders, so long as the Exchequer bills were constantly moving upwards, all was well; because a man bought at 50*s.*, and sold at 60*s.*; or he bought at 60*s.*, and sold at 70*s.*, and kept his good-humour. But it was plain that that was a state of things which must come to an end. It was impossible that any state of things so irregular and so exceptionable could be continued. Nay, further, it must be evident that that immense amount of premium was adverse to the well-understood interests of the holders of those bills, inasmuch as the amount of the premium was in point of fact the measure of the risk they incurred. If I may explain my meaning, it is this. The man who buys his Exchequer bills at a premium of 5*s.* or 10*s.* knows perfectly these three things:—first of all, that his interest is secure; secondly, that, at a given day, he can recover the principal in full; and thirdly, as a consequence, that the measure of his possible loss is 5*s.* or 10*s.*, or the amount of premium he has given for them. But if, on the other hand, he buys at 60*s.* or 80*s.*, he knows, or he ought to know, that his loss may amount to 60*s.* or 80*s.*, because the public are under no obligation to repay that premium, with which, in point of fact, they have nothing whatever to do. And though it may frequently be right to raise the rate of interest on current bills in order to keep them at par, it never can be right to adopt such a measure to keep them at a high premium. Therefore with an extravagant premium is directly connected an insecure condition of the holder. These are the principles of the proceeding, so far as holders are concerned. Now let me look at the case as regards the public. To allow your annual securities to float with a premium of 60*s.* or 80*s.* simply means, in practice, that you cannot redeem them at all. For, firstly, no man will tell me that it would be a safe operation for the country to redeem the whole 8,000,000*l.* or 9,000,000*l.* which make up either of the two ordinary annual issues at one time. You cannot redeem the whole, because the amount is too large; and you cannot redeem a part, because, while you cannot make an arbitrary choice of one portion of the bills for redemption at par, Parliament would never endure the redemption of an annual security bearing, perhaps, 2½ per cent interest, by adding the premium and so virtually raising that interest to 5 or 6 per cent. What has been the consequence of this in the management of Exchequer bills? Let us look back to what has happened since the peace, and we shall find that since that period the principle upon which we have acted has been this:—when you could get out Exchequer bills at an easy rate of interest, you did so, and there you have let them remain. Times of difficulty came, and you were obliged to fund at a most disadvantageous rate of interest, and a great addition was thus made to the capital of the national debt. In 1819 you funded 27,000,000*l.* of Exchequer bills at 5*l.* 5*s.* 9*d.* per cent; in 1821 you funded 7,000,000*l*, at 4*l.* 19*s.* 7*d.* per cent; in 1826 you funded 8,000,000*l.* at 4*l.* 6*s.* 2*d.* per cent; and in 1830 you funded 3,000,000*l.* at 4*l.* 1*s.* 9*d.* per cent. There have been only two occasions—namely, in the years 1839 and 1841—on which you have funded Exchequer bills since the peace, in which you have not entailed by that funding a permanent burden of from 4*l.* to 5*l.* per annum for every 100*l.* of Exchequer bills upon yourself and posterity. On those two occasions—in 1839 and 1841—the operations were not indeed so disadvantageous as on other occasions, the rate in 1839 being 3*l.* 6*s.* per cent. upon 4,000,000*l.* funded; and in 1841, 3*l.* 7*s.* 11*d.* per cent upon 8,544,000*l.* funded. But even these were high rates with reference to the rate of interest which you pay upon Exchequer bills in easy times, and they have entailed a very considerable addition to the capital of the public debt of the country. In short, in no single instance has the unfunded debt been reduced except when the public credit was low, and the price of the funds was below 90*l.* The consequence is, that you never funded 90*l.* of Exchequer bills without increasing the aggregate national debt by at least 10*l.*, and sometimes 11*l.* or 12*l.* That, I think, is a bad system; and the Committee will observe that the principle upon which I stand is this—that in easy times you ought to endeavour to reduce the unfunded debt, because if you wait till difficult times, you have to do it at an enormous cost. I now come to the month of February, 1853, and I find the facts with regard to our proceedings in that year to be these:—the amount of Exchequer bills in currency at that time was 17,740,000*l.* The interest was 1½*d.* per day, or 45*s.* per annum, upon one portion of the bills payable in March, and 37*s.* per annum upon the other portion, payable in June; but where the interest was 37*s.* per annum, the premium upon the bills was no less than 55*s.*, and it had shortly before been considerably higher. Upon the 15th of February the March bills were advertised for exchange, and it was announced that the new bills were to bear interest at the rate of 1*d.* per day. Upon the 18th of February, in consequence of the advertisement, the premium upon those Exchequer bills had sunk to only 15*s.* Now, I ask whether the operation that was performed was a justifiable operation or not? The exchange of bills followed in March, and then came the test whether the operation which had been performed was a justifiable operation for the public or not. If it was unjustifiable the remedy lay in the holder's hands, he could claim his money. If he did not choose to take his money, but preferred to leave it with the public, then the operation was just. How stand the facts? That advertisement for an exchange was issued on the 15th of February, and in the month of March the holders had the option of sending in their securities and getting their money. Not one person availed himself of that option. 9,000,000*l.* of Exchequer bills were advertised in February at 1*d.* a day. The holders were naturally annoyed, and I regretted deeply that I could think of no other measure than that which my sense of public duty dictated. My duty was to borrow for the public at the best terms which the market afforded, and I have given you a demonstration that the market did afford those terms, because there were three weeks in which persons had an opportunity of getting their money in, and not a man availed himself of that opportunity. What was the condition of the Exchequer bills afterwards? As the year went on the condition on which the country got credit gradually altered. I find, however, that the very first day on which the word "discount" appears in any quotation of Exchequer bills was the 6th of May, when they were quoted as low as 1*s*. discount. Upon the 5th of May the Government for the first time made a purchase of Exchequer bills, and they were obliged to pay 2*s*. premium. We went on from time to time purchasing Exchequer bills, and never until the 5th of August were we able to effect the purchase of a single Exchequer bill at a discount; and then we got them at the discount of 1*s*. For six months, then, from the period when they were advertised at 1*d*. a day, it may be said with substantial truth that those bills never were at a discount in the market. What followed was this:—With the advance of summer and towards the approach of autumn the circumstances of the country materially changed; money grew scarce, the harvest was bad, the Bank raised its rates to 4, 4½, and 5 per cent, and the bills were of course proportionately affected; they fell to a more considerable discount. On the 20th of September we bought at 5*s*. discount; subsequently there was a further fall, and in October the interest was raised to 2*d*. a day. I think, then, that so far as the question of the impropriety of the reduction of the rate of interest is concerned in itself, and apart from its consequences, I have disposed of that portion of the subject. I now come, therefore, to the other charge, as I understand it, that, in consequence of that reduction, we have had a violent reaction and have been obliged to raise the interest upon Exchequer bills to a rate unduly high. Well, but is the rate at this moment unduly high? At present they bear an interest of 2*d*. a day, or, in round numbers, about 3*l*. per cent per annum. Is that unduly high, or is it not? What are the tests from which I am to derive the materials of an answer? I decline to take an answer from the mere unsupported and speculative opinions of an individual—because we have the means of ascertaining it by a comparison with positive standards. By what is unduly high I mean what is out of proportion with other transactions, and by a reasonable rate I mean that which is in due proportion to other transactions. I take this test. In the first place, I admit that at present money is tight—not in a very extraordinary degree, but it is decidedly above the average of all the years since the peace. Then, is the rate of interest upon Exchequer bills above the average of all the years since the peace? It is now 3*l*. per cent per annum; but the average interest on Exchequer bills of all the years since the peace is 3*l*. 5*s*. per cent per annum. Let me compare it, however, not with itself in former times, but with another description of security—I mean with the rate of discount at the Bank, and let us see what the proportion between the two has usually been. I have before me the rates of discount at the Bank since 1840, and I see no occasion since that year when the rate of discount at the Bank has been, as it now is and has been for six months, at 5 per cent on which the rate of interest on Exchequer bills has not been either 2*d*. or more than 2*d*. a day. From March, 1840, to June, 1842, the Bank rate of discount was 5 per cent, and the interest upon Exchequer bills was 2¼*d*. a day; in June, 1847, the Bank rate of discount was 5*l*. per cent, and the interest on Exchequer bills was 2*d*.; in December, 1847, the Bank rate of discount was 6*l*. per cent, and the interest on Exchequer bills was 3*d*.; in March, 1848, the Bank discount was 4*l*. per cent, and the interest on Exchequer bills was renewed at 2*d*.; and in May, 1854, the Bank rate of discount is 5*l*. per cent, and the interest upon Exchequer bills is 2*d*. So far, therefore, as the standard furnished by the Bank rate of discount is concerned, I apprehend you will agree with me that the rate of interest of 2*d*. a day, which you are at present paying upon Exchequer bills, is not an unreasonably high rate of interest. But I referred upon a former day, without wishing to dwell upon it in detail, to another test, and that is the relative effect which the same tightness of money has produced upon the interest of temporary Government securities in the only other country between which and this country any fair comparison can be drawn—namely, France. In France the annual rate of interest in April, 1853, upon its Exchequer bills, taking the average of the several descriptions or *Bons du Trésor*, was 2¼ per cent; in April, 1854, it was 5 per cent. In England, on the other hand, in April, 1853, it was 1½ per cent; in April, 1854, it was 3 per cent. So that, while the rate had increased in England by 100 per cent, it had increased in France by 122 per cent. Now, Sir, I have given you the tests of the comparative rates in France and England, and of the rate of discount of the Bank, and of the average rate of interest on Exchequer bills; and I ask you whether I have not demonstrated that at this moment you have got your Exchequer bills in the market at a very reasonable rate of interest, considering the circumstances of the times—a rate of interest which I think you will consider yet more reasonable when I tell you that at this rate it has been found practicable to sell some 1,100,000*l.*, or 1,200,000*l.* of those Exchequer bills within the last few weeks, and to add them to the stock in the market, without bringing Exchequer bills to a discount? I apprehend, then, that I have pretty well answered the charge of having wasted the public resources in that respect. The first objection was, that the rate of interest was reduced too low in the beginning of the year, and, then, that it was raised too high in the latter part of the year; but I have shown that it was not too low in the first part according to the principles which I have laid down, and I think also I have shown that it was not too high in the latter part of the year. There is one other circumstance to which I ought further to have referred, and that is, that the period of an easy money market was the period for reducing the unfunded debt. Although in March there was no disposition on the part of the public to reduce the amount of the unfunded debt, because, as I have said, every farthing of it was sent in for renewal, yet in June, when money had become more scarce, 3,000,000*l.* of Exchequer bills were sent in for cash, and a very great and sensible relief, I do not hesitate to say, was in that way effected, because that 3,000,000*l.* did not cost one farthing to the State, and the public balances remained after that amount was withdrawn in a condition which as I think was perfectly safe and satisfactory. But, as it is said that the transaction with respect to Exchequer bills has in fact cost money to the public, I will just state how that really stands. The charge for interest upon Exchequer bills of 1853, payable in 1854, amounts to 342,000*l.* Of course I include the bills that have been bought and cancelled by Government, because, were I to put them out of sight, they would only perplex the calculation. The gross charge amounts to 347,000*l.*; but there is a deduction of 5,000*l.* to be made on account of the premium that was realised in selling a portion of the bills at the time of the reissue, and this leaves a net charge to the public, therefore, of 342,000*l.* Now, with that I must compare the charge as it would have been if I had done that which it is now said by some that I ought to have done in order to have saved the public money—that is, kept the rate of interest at 1¼*d.* instead of reducing it to 1*d.*, and thus have avoided, as no doubt it would have done, the sending in of any bills for money in June. If I had done that—kept the rate of interest at 1¼*d.* instead of reducing it to 1*d.*, and if, in consequence—which would have been the natural and certain consequence—3,128,000*l.* had been exchanged for new bills in June, the charge would have been as follows:—On March bills, 175,000*l.*; on June bills, 227,000*l.*; making together, 402,000*l.* The actual charge, however, has been 342,000*l.*, and the actual saving, therefore, has been 60,000*l.* The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) adverted on a former night to my having said, in my financial statement last year, that I anticipated a saving of 65,000*l.* on this operation of Exchequer bills. Now, I must say that, considering what have been the vicissitudes of the year, I am not so far from my mark in having come out with 60,000*l.* Altogether, Sir, it is a matter of very little importance that reproaches should be cast on me or any individual Minister, but it is a matter of great importance to this Committee—it is a matter of great importance to the House of Commons—that they should have a clear view and a firm understanding of the principle on which the department of finance is to be managed. A Minister, and even the Government, as a whole, is unable to cope with the power of those who deal in the important commodity of money, and who, of course, justifiably, as well as naturally, seek to give a value to the commodity they vend; and it is impossible for the executive Government to do justice to the people of this country except on one condition, which one condition is, that it shall have the support of this House. Now, don't let it be said that this is a time of war, and that, therefore, the question of confidence in the management of your finance should not be raised. It being a time of war is the very reason why you should make up your minds as to whether your financial matters have been mismanaged or not. If you disapprove of what has been done, the sooner I know it the better; if you approve of it, I will continue to act on the same principle on which I have hitherto proceeded. As to the results of my attempt to get out

Exchequer bills at a moderate rate of interest, I have shown that the operation has effected a saving of 60,000*l.* on the unfunded debt. I have shown that the rate of interest now being paid is lower than that paid in the only country with which it is possible to draw a comparison, and that the rate we are now paying in a bad time is less than the average rate which has been paid in good and bad times taken together. So much for the matter of Exchequer bills.

Now, as to the question of who is responsible for these transactions. I trust that I have no disposition to evade the responsibility which belongs to my office in any case where it can properly be cast upon me. I am bound to remind the Committee that this matter of the unfunded debt is one for which the Finance Minister is peculiarly responsible. It is a matter which depends upon his discretion, I may say, alone. Of course, it is his duty to get the best advice he can with respect to any project which he meditates; but, having got it, he must make up his mind, and act according to the best of his judgment for the benefit of the community at large. I am responsible for what has been done. I do not disavow it. I do not seek to throw it upon another:—

> "Me, me; adsum qui feci; in me convertite ferrum."

Sir, I am not about to enter at any length into an explanation of the scheme for the conversion of a portion of the public debt, but I cannot pass by the subject altogether; and here the charge, which has grown into goodly proportions during the course of the present year, is, that in spite of adverse circumstances—that in spite of the warnings of the wise—a scheme has been prosecuted by the Government which has resulted in heavy loss—a loss not fairly ascribable to the change of circumstances, to the existence of a war, and to deficient harvests, but to the character of the measure originally proposed. Sir, it is easy to pass retrospective judgments: but let us calmly examine the facts. And first the Committee, I am sure, will recollect that this was not a matter like that of the Exchequer bills—it was not a question of mere executive discretion—it was not a vote passed by the House of Commons as a mere affair of confidence. It is true there were many Members who wished to pass the measure as a matter of confidence, and who said, "Let the thing go, and, if it do not turn out well, we will hold the Finance Minister responsible;" it would probably have been well if their opinion had been followed; but there were other persons, including, more especially, the right hon. Member for Buckinghamshire and the hon. and learned Member for Suffolk (Sir F. Kelly), who claimed, and who exercised, their undoubted right of sifting and discussing the measure—who returned to the charge on frequent occasions, and took many divisions on it during its passage through the House. The actual opinions then expressed are ascertainable. What were the adverse auguries we now hear so much of? What warnings did we receive from those who now take much credit for their wisdom? What were the declarations at that time made? The right hon. Member for Buckinghamshire sometimes states that he is unwilling to quote *Hansard;* but, after all, when you mean to charge an opponent with inconsistency, the best course is to quote *Hansard.* If, by so doing, you do not make his case better, at all events you do not make it worse. And if you do not quote *Hansard,* you may sometimes quote something worse than is to be found in *Hansard.* On the 8th of April last year, the right hon. Gentleman the Member for Buckinghamshire rose to discuss my scheme, and said at the very first stage of it:—

> "He thought it right, before this Resolution was agreed to, to warn the Committee that, from the alterations made in the Resolutions, from the admissions made by the right hon. Chancellor of the Exchequer, and from various other statements, this [the one creating the new stocks] was, in fact, the important Resolution. He wished the Committee to bear that in mind; and he protested against the supposition that, by allowing the Resolution to pass, he, for one, assented to it."—[3 *Hansard*, cxxv. 874.]

It was a misfortune for the right hon. Gentleman that he did not stop there. The Committee will recollect the maxim which inculcates the prudence of picking out faults and urging objections without assigning any reasons. Happy for the right hon. Gentleman would it have been if, on this occasion, he had acted upon that principle. His evil genius, however, led him on to state why he could not give his assent to the Resolution then under consideration:—

> "If the Committee agreed to the conversion of the whole 500,000,000*l.* under the second Resolution, he must remind the Committee that the profit to the country would but little exceed 500,000*l.* a year; and they should well consider,

> whether for such an object as reducing the interest of the debt by 500,000*l.* sterling, they would do right to fix the rate of interest at 2½ per cent for more than forty years. That was a most important point, which the Committee appeared to be disposing of in almost a formal manner, but it was a point to which they must give deliberate attention. The interest guaranteed was higher than he, for one, thought would prevail during the next forty years."—[*Ibid.*]

[Mr. MALINS: Hear!] "Hear," says the hon. and learned Member for Wallingford; well, I have a word for him by-and-by. The right hon. Gentleman continued:—

> "It was an enormous responsibility to undertake to make such an arrangement, and he trusted the Committee, when they came to discuss the subject on a future occasion, would think it their duty most carefully to consider whether they would assent to it."—[*Ibid.*]

Such were the objections taken by the right hon. Gentleman at the time of my announcing this scheme. He deemed it was a wanton sacrifice of the public interest to the interests of the public creditor, a sacrifice the more ruinous inasmuch as it might naturally be expected that the whole 500,000,000*l.* of three per cent. debt would be converted under the operation of the Act. It was not the right hon. Gentleman alone who took this view of the transaction. The matter is in the recollection of the Committee. Many objections were taken to the scheme, some of which were very good. One objection was justly taken by one of the hon. Members for Lambeth (Mr. Williams), in reference to the principle of making any addition to the capital of the debt. But I maintain that the chief objection, the only objection of a general character, taken to the scheme was on the ground that it was too favourable to the fundholder, inasmuch as it was grossly improvident to guarantee an interest of 2½ per cent for forty years. This was the point urged almost *ad infinitum* by the hon. and learned Member for Suffolk. Now, have these objections turned out to be valid? I think I can answer that question in the negative without fear of contradiction. What has turned out to be a valid objection to the scheme is this: that the necessity of paying off the non-assenting South Sea and other minor stockholders led to the withdrawal of the public balances to a greater extent than is convenient in time of war. Who took that objection? That is what I want to know. And now I come to the hon. and learned Member for Wallingford (Mr. Malins). The hon. and learned Member said the other night that he always foresaw that the plan would fail. What a pity that when the plan was under consideration he sat immovable on his bench. He was then perfectly silent. Why was he silent? It was not for want of the faculty of speech. I may even say—recollecting some occasions when we have received the most valuable assistance from him—that as his silence proceeded from no want of faculty of speech, so also was it not attributable to any indisposition to make use of it on fitting occasions. Nevertheless, the hon. and learned Gentleman remained perfectly silent. The really valid objections to the plan were not taken by any one person among those who found fault with it; and, although I stand here to say it, I was the only man who pressed it on the notice of the Committee that, in case the South Sea creditors should not assent, it would be necessary to pay them off out of the public balances. The right hon. Member for Buckinghamshire was the only other man who named the South Sea creditors, and he did so only in an incidental way, and for the purpose of saying, "I omit all allusion to the plan as far as relates to the conversion of the South Sea annuities." Now, however, a year has elapsed, and a great many Gentlemen are possessed with a most comfortable persuasion that they always disapproved of and objected to the plan, and that, if the Government had only been wise enough to have followed their advice, the inconveniences which have resulted would have been averted. This really is a good example of the way in which what historical students call mythical history arises. An event happens without attracting much notice; subsequently it excites interest; then people look back upon the time now passed and see things, not as they are or were, but through the haze of distance—they see them as they wish them to have been, and what they wish them to have been they believe that they were. Hence we now hear of the multitude of prophets and wise men who foretold the failure of my scheme, and how their warnings were disregarded. I grant that various persons disapproved of the plan, but not one of them foresaw the events that afterwards happened, and not one of them objected, on the ground now taken, and which is now made the subject of so much lamentation—no, not even the hon. and learned Member for Wallingford, whom I take to be the most respectable type of his class. All this is wholly fabulous—

pure myth. But no doubt, irrespective of the opinions of the day, there were facts to which it was our duty to look. I do not want to state the case too high. It is easy for me to say that I regret at this moment that the scheme was brought forward. I do not admit that the scheme I brought forward has resulted in pecuniary loss — and it would be very easy to establish this point—but I think it has resulted in inconveniences of another kind, greater than any limited amount of pecuniary benefit with which it has been attended. I admit it, and I tell you, that if an error has been committed, be it small or great, I am the man on whom the blame ought to fall. At the same time, let us not exaggerate the case against ourselves. Looking back to it now —even after the unfortunate issue of the scheme—it is a matter of opinion and reasonable doubt whether it was not at the time a rational course to take. It is unnecessary to dwell upon the opinion of the Government as to the necessity of a general or permanent reduction in the rate of interest. The opinion of the Government has nothing in the world to do with the question. The question is, what was the the opinion and expectation of the public at the time with reference to the rate of interest upon money? What was the state of the case? In 1852 the bullion in the Bank coffers rose to a higher point than, I believe, was ever before reached, being close upon 22,000,000*l.* The exact amount, on July 10, was 21,878,000*l.* On the 8th of January, 1853, the bullion had decreased to 19,170,000*l.* The right hon. Member for Buckinghamshire, in discussing this question on a former evening, quoted the amount of bullion in the Bank on the 9th of April, 1853, at 18,816,000*l.*, contrasting it with the very high amount existing a few months before, and gave it to be understood, or, at least, did not prevent it from being understood, that something in the nature of a continuous decline had taken place. Now, Sir, there is not the slightest doubt that a considerable decline in the amount of bullion in the Bank took place in the course of 1852, and the Bank raised the rate of interest upon discount from 2 to $2\frac{1}{4}$ per cent, and afterwards to 3 per cent. The amount of bullion, which had been 21,878,000*l.* on the 10th of July, 1852, was reduced to 17,652,000*l.* on the 26th of February, 1853. That, however, was not the time at which we made our proposal. We made it on the 8th of April; and on the following day the bullion in the Bank had risen to 18,816,000*l.*, being an increase of rather more than 1,000,000*l.* in the four preceding weeks. The limited drain of bullion that occurred was at the time generally accounted for by reference to causes short-lived and local in their operation, such as the demand for gold coin in Australia, which occasioned it in a great degree, and the state of the exchanges in the East Indies and China, which occasioned it in a further degree. These were not permanent causes, and the Government were justified in supposing that they would soon cease to operate. Indeed on the 8th of April it appeared as if either they had ceased to operate or were counteracted and neutralised by other circumstances. Then, with respect to the harvest, the fact is, we have since seen corn at such a high price that we are apt to forget what it was then. True, at that time the prospect of the harvest was not the best, yet that it was not very gloomy is evident from the fact that the average price of corn, which had not varied much for a certain time, was 44*s.* 10*d.* What was the price of Consols? On the 7th of April Consols were $100\frac{1}{2}$, and after the plan of Government was announced they rose $\frac{3}{8}$. There could not be a more distinct proof that, in the opinion of the moneyed world, money was about to be cheaper, because the expectation of cheaper money is at the moment the cause of a rise in the funds. The minimum of the public balances in the Bank in the quarter immediately before had been not less than 4,940,000*l.* That was the lowest point they had touched. Other operations in the nature of reductions were going on at the same time. I believe that a great conversion of debt undertaken in France was not, at that time, completed. Another great operation was going on, in the conversion and reduction of the debt of the East India Company from five to four per cent—an operation, moreover, which, up to the present moment, has met with the most perfect success. Again, the bonds of the East India Company have been put out since the month of May last year at a lower rate of interest than was ever experienced before. I say, let us keep these facts in view, in connection with the discussions in this House; and I really think I may venture to hope that I have given something like proof that these warnings of plain, palpable facts, that could not be misunderstood, and especially these warnings of sages who were all perfectly aware of what would take place, but who did not utter them, do partake of that mythical character which I have dared to impute to them.

Sir, I do not mean to dwell much upon a question of minor interest, namely, the pecuniary results of the operation, although it is a matter of considerable interest; but I may be permitted to say a few words upon them. The 8,000,000*l.* have been supplied partly out of surplus income, partly out of balances which were unproductive. It is idle to say we paid off 8,000,000*l.* at par, when 100*l.* stock might be bought for 90*l.* in the market, because our 8,000,000*l.* could not have been so employed. As far as we found the money out of surplus income there was a loss, because that would have been invested in stock at rates below par. As far as we found it out of the balances there is a large gain, because those balances produced nothing; and the money we have lately proposed to raise is not, for the most part, to replace the balances, but to meet current charges in anticipation of the produce of taxes. Upon the whole, I think I could show that the operation has resulted in a saving of from 60,000*l.* to 100,000*l.* a year; a sum which I admit formed no adequate object for an operation of so serious a character.

But, Sir, as I have said, there is one other point connected with this conversion scheme upon which it is necessary that I should address a few observations to the Committee, because it is one of great importance at a moment when, in consequence of a change of circumstances, we certainly must have to meet great, and may have to meet unexpected, demands upon the public revenue. I have just now adverted to that which has turned out to be the only real objection to the conversion scheme—though it was an objection not anticipated by anybody—namely, the inconvenience of withdrawing from the Exchequer so large a sum of money as has been necessary in order to pay 8,000,000*l.* to non-assenting stockholders. I must touch upon the question of the state of the public balances. And now, Sir, it is not only desirable for my own sake, and for the sake of the Government, but it is in my judgment most necessary for the public interests, that I should endeavour to dispel the mass of misapprehensions which have gathered round this part of the question. Some portion of them, I think, are already disposed of by what I stated on a former night; but, having now touched upon it, I hope to make a yet more complete clearance of them. Now, Sir, I think it will not be denied that I am correct when I say that the current belief both within and without these walls has been to the following effect:—that very large sums of money, in the nature of advances, or temporary loans, have been demanded by the Government from the Bank of England; that these demands have been in violation of the spirit of an agreement made between the Government and the Bank in 1844; that they have been made in the present instance without forethought, and without due notice being given to the Bank; that they have been made to the great detriment and inconvenience of trade; and that, moreover, though the loans may be regarded as a favour and an accommodation, yet that they have been taken from the Bank upon a very low rate of interest. Now, Sir, having mentioned the Bank of England, let me here dispel one serious misapprehension. If I say with respect to the Bank of England, that the demands have not been made upon it which are commonly supposed; that the compact of 1844 between the Government and the Bank has not been violated; that the rate of interest which the Government has paid for these advances has not been low; and that trade has not been inconvenienced by the acts of the Government, do not let it be understood for a moment that I intend to cast the slightest imputation upon the Bank. I apprehend that, although there ought always to be harmony and co-operation between the Government and the Bank, yet that at all times the Governor and Deputy Governor of the Bank, on the one side, are the special guardians of the separate interests of the Bank, while the Chancellor of the Exchequer, on the other side, is the peculiar guardian of the interests of the public; and I say it is the duty of the Chancellor of the Exchequer, on the one side, as it is the duty of the Governor of the Bank on the other side, to assert in friendly argument together whatever they think the several interests of which they are the special advocates require. I have the happiness to entertain the greatest respect for the present Deputy Governor of the Bank; the Governor of the Bank I have the pleasure and satisfaction of having long called my friend; and I am quite certain that we shall never be the worse friends because, when we discuss the subject of the public balances, the accommodation due to the public, and the remuneration due to the Bank, he may urge what appears to be for the interest of the Bank, and I may urge what appears to be for the interest of the public. I do not think that on that account we shall have one jot less of cordial satisfaction in co-operating together in every matter which concerns the public interests. In fact, those matters upon which I am now going to enter do not bear upon any demands made by me upon the Bank, nor upon any demands made by the Bank upon me. There has been no demand made by me upon the Bank which has not been satisfied. There has been no demand made by the Bank on me which has not been satisfied. They bear retrospectively upon the question what has been—they bear prospectively upon the question what should be, the right arrangement to make hereafter; but, as I declared on a former occasion, the Government ought never to ask of the Bank to sacrifice its separate interests to the interests of the public, and I am informed by my hon. Friend the Governor of the Bank that he has announced, in a recent meeting of the proprietors, that he has never, upon any occasion, received from me any such demand, but that, on the contrary, I have always recognised the perfect right—nay, the duty—of the Bank to consult its own interests, as those of an institution founded for the advantage of its proprietors, though likewise eminently useful and beneficial to the community. I hope, therefore, it will not be understood that I enter into this discussion with the slightest feeling in regard to the relations between the Government and the Bank. Now, Sir, I believe a noble Lord in another place, who holds an important financial office—I may say at once that I refer to Lord Monteagle—has been loudest in his complaints of the great amount of deficiency bills thrown upon the Bank. I confess I am surprised at the source from which those complaints proceed; because, if action may be taken as an illustration of opinion—which appears not an unfair principle to lay down—I should have thought the noble Lord, looking back to his career as a Chancellor of the Exchequer, would have had a very tender feeling on the subject of deficiency bills. My deficiency bills have been taken under extraordinary and peculiar circumstances, the result of an abortive operation; his deficiency bills were taken from year to year, under circumstances of an usual kind, with his eyes open, with a perfect knowledge of what he was about, and with no disturbing circumstances to contend against. I will state to the House what was the average amount of deficiency bills brought to charge in the four years during which the noble Lord filled the office of Chancellor of the Exchequer. My deficiency bills, upon the average of the last three quarters, have amounted to 3,540,000*l.*; his deficiency bills the first year he was in office amounted to 4,287,000*l.*; in the second year he improved them, and they amounted to 4,346,000*l.*; in the third year he improved them still further, and they amounted to 5,380,000*l.*; in the fourth year he again improved them, and they amounted to 5,455,000*l.* If the noble Lord had happily for the country continued in the office of Chancellor of the Exchequer till the present day, what, Sir, do you think the amount of his deficiency bills would have been now? Perhaps it may be said—I hope it will not be said—that this was before the Act of 1844; that the issues of the Bank now are based upon a metallic foundation; that at that time the issues of the Bank were not based upon a metallic circulation, and that, consequently, deficiency bills were then mere creations of paper. I say, I hope that observation will not be made, because it really amounts to this—at present we pay our obligations in real money, but at that time we could pay them in money created *ad libitum*, without any reference to a real equivalent in gold. But I am not making a charge upon this subject; I am only expressing my surprise at the charge made against me by the noble Lord. And now, Sir, I beg to call the particular attention of the Committee to what I have described as the great misapprehensions which prevail respecting the advances demanded by the Government from the Bank upon deficiency bills. This is not the first time that notions of that kind have been abroad. The same fate, though perhaps with less of rigour, befell my right hon. Friend the Member for Halifax (Sir C. Wood), in the spring of 1847. At that period there was a very considerable difficulty as to trading accommodation. Money was much tighter than it is at the present time. Various hon. Gentlemen in this House—among others, the hon. Member for Montrose (Mr. Hume), the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and the hon. Member for Huntingdon (Mr. T. Baring)—found great fault with my right hon. Friend, who was then Chancellor of the Exchequer, for having withdrawn from the Bank, in the form of a temporary loan, the money that was necessary for the accommodation of the trade of the country. That was the impression that prevailed, and the strongest proof of that impression I find contained in the declaration in this House of an hon. Friend of mine, of great commercial experience, one of the Members for the City of London, a man who, I believe, whatever his party connections may happen to be, never uttered a word in this House with respect to a question of finance under the influence of party feeling or party prejudice. Mr. Masterman, on the 10th of May, 1847, censured what he termed "the improper arrangements made by the Chancellor of the Exchequer," and declared it to be his opinion that—

> "it was impossible for the Bank, under the existing Act, to come forward at those quarterly periods, to advance two or three millions on deficiency bills, and at the same time to do justice to the commercial community." [3 *Hansard*, xcii. 607.]

Having made that statement, he went on to make a Motion, which it is unnecessary for me to read to the Committee, but the purport of it was, that nothing would be so beneficial as an arrangement of this kind on the part of the Government, that when Government required advances upon deficiency bills, they should take them, not from the banking department, but from the issue department of the Bank—that such advances should be paper issues founded upon the national credit, and not founded on the metallic basis which we have adopted for our currency. [Mr. MALINS: Hear, hear!] That is cheered by the learned Member for Wallingford. It is a very plausible proposal indeed, and if the facts were rightly taken, I might join in the cheer; but the hon. Member for London was then, and the hon. and learned Member for Wallingford is now, labouring under the most complete and the most unfortunate delusion upon the subject. My right hon. Friend during that quarter never took one farthing out of the Bank of England; and if you please, you may see that fact demonstrated, to the satisfaction even of the hon. and learned Member for Wallingford, in returns which may be laid on the table of the House. It is perfectly true that my right hon. Friend took a great quantity of deficiency bills; but if you choose to take 1,000*l.* by way of loan, from your banker, when you have 1,500*l.* or 2,000*l.* in his till, I hold that, so far from his being your creditor, you are his creditor. [Mr. MALINS: Hear, hear!] So we are agreed upon that proposition. Very good; I am entirely satisfied. The hon. and learned Gentleman and I have made a compact across the table. From that point let us start together; and I venture to say that if he follows me to the end, we shall become the best possible friends at the close of the journey. My right hon. Friend the Member for Halifax, in the month of April, 1847, took deficiency bills to the amount of 2,475,000*l.* and he liquidated his last bill on May 15, 1847; but the minimum excess of the public balances in the Bank on any day during that quarter over the advance in deficiency bills was 1,696,000*l.*; and therefore I most respectfully submit that, instead of my right hon. Friend having taken accommodation from commerce, he was giving accommodation to commerce. He certainly was giving less accommodation to commerce than would have been the case if he had taken no deficiency bills; still, at the same time, he was giving accommodation to commerce, and the complaint made against him was neither more nor less than this, that he was claiming and exercising the right to make use of his own money. He made use of it with such a liberal and generous spirit that the smallest sum he left in the hands of the Bank on any one day was 1,696,000*l.* But the question has been asked of me—"Why borrow from your banker when you have money of your own with him?" That is a question not so easy to answer as some may suppose. All I can say is, that such is the system which we find established; and though my notions with regard to these matters are very revolutionary, I have not yet reached such a pitch of boldness as to say that I have as yet objected altogether to borrowing from our banker, even though we may have money in his hands. But, Sir, I come now to my own delinquency, which is the most important of all, because I am held up, not as an occasional borrower—a man who borrowed only occasionally might be forgiven—but the right hon. Gentleman the Member for Buckinghamshire has repeatedly termed me in this House an "habitual borrower." It has been said, that the Finance Department, while it has been in my hands, has systematically borrowed from the Bank. My answer is, that I have borrowed in consequence of the large drain caused by the liquidation of minor stocks and by other circumstances; but I think I cannot fairly be called an "habitual" borrower, and for this reason—I have borrowed only once from the Bank. I am accused of borrowing during the last quarter. I can assure you, Sir, it was exactly a repetition of the case of my right hon. Friend the Member for Halifax. I was not indeed quite so liberal as he was; I was not able to leave quite so large a balance with the Bank as was left by my right hon. Friend; but though it was currently reported and believed that I was a borrower of 3,000,000*l.* or 4,000,000*l.* during the last quarter, I never had one shilling. The amount of deficiency bills issued last quarter was 3,711,000*l.*; and the amount actually brought to charge was 2,490,000*l.*, upon which 3,764*l.* of interest was paid. Now mark—while we took these deficiency bills and paid that interest, the excess of deposits in the Bank over the advances for deficiency bills was never less than 1,160,000*l.* So much for the case of the last quarter as regards the deficiency bills. And now, having stated that I have borrowed only once, and that I have had at all other times an excess of balance in the Bank, I hope the right hon. Gentleman the Member for Buckinghamshire will let me know, after that, how he construes the term "habitual borrower," which he has repeatedly applied to me in this House. Now, Sir, we come to the April quarter, and here I am most desirous that no misapprehension should prevail. I believe I am correct in stating that when the public read the account of income and charge on the Consolidated Fund at the end of the last quarter, they saw stated at the close of that account as the amount of Exchequer bills which would probably be required to cover the deficiency on the Consolidated Fund the sum of 5,852,048*l.*; and I believe the public were under the impression—nay, I may even go further and say that the great bulk of the Members of this House were likewise under the impression—that that was really the amount of a loan which I had contracted with the Bank, and which I was to retain until the incomings of the revenue enabled me to liquidate it. I say, then, that if such an impression does prevail, and if it is an unfounded impression, it is of the greatest importance to the public interests that it should be dispelled, and that the truth should be made known as to the strength and independence of the public Exchequer. It is of the greatest importance to the public interests that these sham, fictitious figures—I mean fictitious as arising out of a defective form of account—which are only calculated to mislead and deceive, not however intentionally, and to create alarm in the public mind, should have their right value put upon them. I do not mean to say that the account is not correct as it stands; but the figures are deceptive and fictitious, because the account is unwisely framed. If it is true that such loans are contracted, I cannot be surprised at the alarm that has been created in the public mind; if it is untrue, it is most desirable that the public should be undeceived on the subject. I have done what lay in my power to place the matter on a proper footing, and I shall continue my efforts in the same direction. As I have said, the deficiency of income and charge in April was stated in the quarterly returns at 5,852,048*l.*, to which should be added another sum of 240,000*l.* (which had, by a mistake, been taken from the Bank in the form of Consolidated Fund Bills, and, therefore, did not appear in the quarterly account), making the total nominal amount of advance to be required from the Bank of England, 6,092,092*l.* Now, the maximum amount issuable at one time, according to the usual practice, was 5,643,000*l.*, and the amount on which the public would have paid interest would have been 4,730,000*l.* And this reminds me that it has been stated in another place that no change in the mode of issuing deficiency bills could have been required with a view to economy, because interest is only paid on the amount which is issued. I will let the Committee judge of the accuracy of that statement from the facts which I have already mentioned—namely, that in the last quarter, when we paid 3,764*l.* for interest, we had not one shilling from the Bank, but the minimum balance we had there was 1,160,000*l.* It is, therefore, for the Committee to form a judgment whether interest is charged upon real and substantial or upon nominal deficiency bills. But, as I have said, the amount which would have been brought to charge according to the existing practice in the present quarter would have been

4,730,000*l.* The maximum amount which has actually been brought to charge, in consequence of the mode of issue which has been adopted, is 3,048,000*l.* Sir, I repeat I have been a borrower during the present quarter under peculiar and extraordinary circumstances; and the maximum excess of the Bank advances over the public balances during the present quarter has been 1,350,000*l.* On a former night, anxious not to overstate the case, and not having at that period, although I had been working pretty hard, completely penetrated into the inscrutable mystery of deficiency bills, I was not aware of the exact particulars of the whole arrangement. I then stated that the cash advanced by the Bank amounted to 2,150,000*l.*; but I stated the case very much against myself, because the maximum excess of the Bank advances, on the 19th of April, was only 1,350,000*l.* The average debt of the Government to the Bank, from the 5th of April until last week, may have amounted to about 900,000*l.*—the sum of 1,350,000*l.* being the maximum debt—and I believe that at the present moment that debt is entirely extinct. Therefore, Sir, I think I have disposed of the charge made against me that I have been an habitual borrower from the Bank. I hope, also, I have disposed of the charge that I have been an enormous borrower, because it appears that, under very extraordinary and peculiar circumstances, the sum I have borrowed has been on an average 900,000*l.*, and that for a period of between four and five weeks. The fact is—and it is perfectly obvious—that the Bank is not complaining that we take 900,000*l.* or 1,000,000*l.* Those are altogether trivial sums, and would scarcely affect the accounts of that great institution one way or another. The real truth is, that the public has had occasion to withdraw a great mass of money from the coffers of the Bank; and the important question which you have to consider is, whether the public is or is not entitled to make use of its own deposits. The Bank, however, is not a complaining party; and I trust I have shown that the charges that have been made against me with respect to enormous and habitual borrowing are charges not founded on justice.

I ought, perhaps, to mention—in order to make that part of my case complete—that out of the petty sum of 1,350,000*l.* the amount of no less than 830,000*l.* is due to the rapid growth of the supply charges connected with the Navy and Ordnance Departments for the expedition to the East. In point of fact, therefore, but for these charges, the whole advances that the failure of these financial operations, which it is supposed have turned the country topsy-turvy, have rendered necessary would have been, for a fortnight, from 400,000*l.* to 500,000*l.* It has been said, however, that there has been some violation of an understanding between the Government and the Bank. Now, there could not possibly be a more gross error. When the right hon. Member for the University of Cambridge (Mr. Goulburn), along with the late Sir Robert Peel, made, in the year 1844, the arrangement which governs the relations between the Government and the Bank, they distinctly recorded in their correspondence the terms of that arrangement so far as deposits are concerned. What they contemplated was, the maintenance of "the usual amount" of deposits, which I need scarcely say means the usual amount of deficiency bills, for one is the correlative of the other. It was also agreed that if, on the one hand, the public balances should be increased beyond the usual amount, the Government were to have a claim upon the Bank for a share of the profits; but if, on the other hand, the balances should be diminished below what they commonly were, then the Bank was to be entitled to remuneration from the Government. Well, Sir, in order to ascertain what was meant by "the usual amount" of the advances, on deficiency bills, I thought perhaps the fairest manner would be to take the average amount in the two quarters immediately preceding the agreement of 1844. Were I to go further back, and test the "usual amount by the average of a larger number of quarters, the amount would be larger, and therefore still more in my favour. I will then assume the amount for the two quarters only to have been taken as the foundation of the compact; and it was an amount exceeding that which I have taken during the last two quarters, under extraordinary and peculiar circumstances of pressure; the average of those quarters was 4,714,000; the average of the two last has been 4,591,000*l.* And now, Sir, with regard to notice. It has been charged against me that proper notice was not given to the Bank. It is supposed that the demand was suddenly made—that nothing was done by me to prepare the Bank authorities for what was coming. This is in reality the important point of the case. I see hon. Friends of mine present who are conversant with banking, and I venture to say before them that the suddenness of the demand is the most important part of the question. If the demand was foreseen it could be provided for, and if it was to be provided for at all the diminution of the resources of the Bank would be just the same whether you took away 3,000,000*l.* deposits or called for 3,000,000*l.* upon deficiency bills. The suddenness of the demand is, as I have said, an important element of the question; but I have not to blame myself for a sudden demand, for I have in my hand a memorandum which I prepared on the 26th of July, 1853, and which I then put into the hands of the Governor of the Bank of England, and in that memorandum I pointed out that, as it was exceedingly probable the operations with regard to the minor stocks would fail, we might, on the 5th of January, demand deficiency bills to the amount of 3,300,000*l.* That was, in fact, more than the amount which was actually taken. I trust, therefore, that as far as notice was concerned I was not unmindful of what was due to the Bank and to the great interests involved. It is proper, also, to state that, although the authorities of the Bank have since laboured under circumstances of some difficulty which could not then have been foreseen, at the period when my memorandum was delivered, not the slightest objection was made to my proposal; and as to the inconvenience that has arisen, it is that kind of inconvenience which will necessarily follow great and sudden changes in politics and in commerce. With respect, Sir, to the accommodation of trade, I believe I need not go deeply into that question, because trade has not been injured, and has not complained. Considering that we are now in a state of war, and that the harvest is said to have been one of the worst that has occurred since 1816, I do not think that a state of things in which, for the greater number of weeks in this year, the rate of discount in Lombard Street has been below 5 per cent is much to be complained of. I wish further to say one word upon the rate of interest, because an impression has prevailed that those enormous advances which I have shown you never existed were demanded from the Bank by the Government at rates of interest lower than the rates ruling in the market. That again is a total and entire delusion. The rate of interest, I grant, is apparently very low; but really it is not so. The usual form is, that the Chancellor of the Exchequer, before the end of the quarter, writes to the Governor of the Bank of England, and expresses his wish that the Court of Directors should provide whatever may be wanted on deficiency bills to meet the charges of the ensuing quarter. The interest last year was 1*d.* a day; it is now 2*d.* a day, or about 3 per cent—undoubtedly a very low rate of interest; but I think you will not consider it so low when you recollect that the Bank received in the last quarter nearly 4,000*l.* as interest upon deficiency bills, while there was no real advance at all, inasmuch as the minimum of the excess of the public balances over the Bank advances was 1,160,000*l.* Now, if the trouble of keeping the public accounts is not worth the profit they yield, undoubtedly the Bank is entitled to extra remuneration; but, taking the Exchequer and dividend accounts together, I will venture to say, with respect to the rate of interest we are now paying for the present quarter, that although the nominal rate is 3 per cent per annum, the real rate we are paying upon the excess of the balances advanced to us by the Bank varies from day to day between 4 and 5 per cent, according to the issue of deficiency bills as that issue has been regulated by me, and that, if the issue of deficiency bills had been regulated in the ordinary manner, the rate of interest would have been from 6 to 7 per cent. I do not call that an immoderately low rate of interest for the public to pay upon deficiency bills; at all events, it disposes, I think, of the notion that the Bank has been called upon to sacrifice its interests by taking from the Government a too low rate of interest. Now, Sir, the question arises, whence is it that all these delusions have arisen? Why is it that the public is so completely in the dark with respect to the issue of deficiency bills? Why is it this House, too, seems so completely in the dark, for many hon. Members have been under the impression that we have contracted these great loans of 3,000,000*l.*, 4,000,000*l.*, 5,000,000*l.*, or 6,000,000*l.* Nay, we have higher authority on this subject than that of any ordinary Member of the House. Many will recollect the speech of the hon. Member for Peterborough (Mr. Thomson Hankey), a gentleman who was himself Governor of the Bank last year, in which he declared, in his place in this House, and he was believed by the right hon. Gentleman the Member for Buckinghamshire and several others, that we should be obliged to demand from the Bank in the present quarter an advance of 4,500,000*l.*, and that he did not think even that sum would be sufficient to meet the emergency. That was the belief of a most intelligent gentleman, who has only just relinquished the high office of Governor of the Bank of England. The hon. Gentleman believed that we should want 4,500,000*l.*, but, as I have informed the Committee, the advances we have required have never reached one-third of that amount. The hon. Gentleman was deluded, and why? Because we have a fictitious statement of accounts—a statement of accounts written and made out as if for the purpose of mystery. There are a class of people who think mystery in finance one of the greatest virtues. That is not an opinion which I entertain, but I am not sure that it may not be held, to some degree, by the present Comptroller of the Exchequer. Lord Grey, also, it appears, was somewhat indignant upon the subject of the alteration in the mode of issuing deficiency bills; and when I mention the name of that noble Earl I must say that I never can refer to him except in terms accordant with the sincere respect I entertain for his character, his abilities, and his patriotism. Lord Grey is stated to have said that the object or the effect of the change in the mode of issuing deficiency bills has been to blind the public. Now, there is a very short answer to that statement. The effect of the change could not possibly be to blind the public, for the public was, unfortunately, stone-blind already. It was impossible for the public to be more blind than they were, for they believed that 6,000,000*l.* were to be advanced where the advance of only about 1,000,000*l.* was required, and that 3,000,000*l.* were to be demanded when none was demanded at all. I admit, Sir, that I have altered the mode of issuing deficiency bills. I have done so by endeavouring to place it upon precisely the same principle which is applied to the issue of money for all other public purposes. We have in this case to consider two questions. One of them is a question of policy, and that question we must keep carefully separate from the other. The question of policy is whether it is right that you should have in your coffers, at the end of each quarter, a sum sufficient to meet the whole charge that is becoming due, or whether you should trust for part of that charge to the income of the ensuing quarter? That is a most important question of policy, which I do not wish at this moment to prejudge. On the present occasion the question for our consideration is simply this—whether, supposing we have not got in our coffers a sum sufficient to meet all the Consolidated Fund charges at the beginning of the quarter, we should on the first day of each quarter create an unnecessary debt, in order to create a needless credit to the abstract amount of those charges, totally independent, not only of the improbability, but of the impossibility, of their having to be met at the commencement of the quarter. Now, it should be remembered, that the public has a scale of transactions so large that they are able to equalise their accounts in a manner that would be impracticable in the case of more limited transactions. I may state to the Committee what is the established practice. Suppose there are a great number of bills coming from different quarters, and falling due upon a given day—it is not the practice to issue at the commencement of that day the whole money required to meet all these bills; first, because it is very well known from experience what is a safe margin, and what claims are likely to be sent in; and, secondly, because, although it never did happen, yet if it should chance that more claims than had been anticipated were sent in, it would be perfectly easy to make a fresh issue. Such is the case with regard to deficiency bills. These bills are issued for large amounts, for example, of 50,000*l.* each, to the Bank, to be held by the Bank. You may by such means create a credit of 5,000,000*l.* in five minutes; but why, if you have a sum of 6,000,000*l.* to pay on different days throughout the quarter, should you issue at the beginning of each quarter deficiency bills to the full amount of the Consolidated Fund charges that are coming due? You must then have more than you will require, because those charges are never all made at the beginning of the quarter, and to the extent of your surplus deficiency bills you will have created an unnecessary loan, upon which the public must pay interest from the first. Common sense, common reason, and common practice are all opposed to such a system. As I have already said, I now speak of what was done with reference to the April dividends.

As respects the law applicable to those dividends, I do not believe it to be subject to any reasonable doubt. With reference to the July dividends, a question has arisen which we at the Treasury do not think a very serious one, but it is one which will require some consideration — whether the law in its present form, under the Loan Acts, combined with the Deficiency Bills Act—whether the law requires us to adhere to the very mischievous and expensive, and, let me add, more than expensive—the delusive practice of making a large issue, and creating an immense unnecessary credit. I am about to take the opinion of the law officers of the Crown on that point. Unless their opinion is favourable, I shall not, of course, think myself justified in introducing that reformation, after having agreed to take their opinion; but my present impression is, that my course will be to come to this House and to request you to interfere, so as to place the course of proceeding on a reasonable footing. As to the April dividends, the Act of 1844 did not require that practice to be followed; and after consulting the legal advisers of the department, we had no doubt as to the law of the case, so far as regards those dividends.

Sir, though this matter is one of great importance, I am aware of the dryness of it. I will not enter further into it. I am greatly indebted to the Committee for the patience with which they have heard me, although there is much more that I could say upon the subject; and if I do not say it, I must only beg the Committee to believe that it is from no disposition on my part to reserve anything; but because the clock admonishes me that I have occupied a considerable time already, and there is much yet that is before me. Assisted by the patience and indulgence of the Committee, I have now gone through those charges brought against the Government of mismanagement with respect to the unfunded debt, of reckless disregard to the warnings both of fact and of intelligent persons with respect to the scheme for the conversion of the debt, and of some mystical operations contrived for the purpose of blinding the public with respect to the mode of charging the deficiency bills; and I venture to hope I have so far explained those matters, and my own conduct with respect to them, that I may now proceed at once, without prejudice or discredit in their opinion, to explain the views which the Government entertain with regard to the measures demanded by the exigencies of the public service.

The Committee will be kind enough to revert to the words with which I opened my address. As they will recollect, I referred to what took place on the 6th of March, and to the temporary provision then made for the purpose of meeting the expenses that had been incurred by the Government in sending an expedition to the East. I will not, Sir, at this period, travel again over the ground which I then occupied; but I will take that day as my starting point, and will proceed to explain our further views and proposals, only reminding you of these facts, that there was on the 6th of March an excess on the Estimates of 4,307,000*l.*; that in this 4,307,000*l.* was included a sum of 1,250,000*l.*, taken for extraordinary expenses of the war; that the ordinary revenue of the country was unequal, by a sum of 2,840,000*l.*, to meet the charges that had been incurred by the Estimates, and the sum estimated for extraordinaries; whereas, if there had been no increase in the Estimates, we should have had, in lieu of that deficiency of 2,840,000*l.*, a surplus of 1,666,000*l.* The Government then asked, and the House agreed to grant, half a year's double income tax, which it was anticipated would yield us 3,307,000*l.*; and having added that sum to the amount of revenue estimated, it showed a total revenue of 56,656,000*l.* against a total estimated expenditure of 56,189,000*l.*, or a surplus of 467,000*l.* Since that time, Sir, new Estimates have been framed, and my Colleagues, as well as myself, can assure the House that we have lost no time either in framing those Estimates, in endeavouring to calculate the probable scale of the war expenditure, or of bringing those Estimates, when framed, under the consideration of the House. They have been submitted to you on the part of the Naval Department, the Army, and the Ordnance. For the Navy, Government asks for an additional vote of 4,550,000*l.*, a sum required for its own charges and the services it performs on behalf of the other great departments. The charge for the Army is 300,000*l.* The charge for the Ordnance is 640,000*l.* In my first financial statement it will be recollected that I estimated for the militia the sum of 500,000*l.* Since then it has been announced in this House that Her Majesty's Government proposes to take power, and to act on that power, of embodying a portion of the militia—probably 15,000 men—and the expense of that operation will require an additional sum of 500,000*l.* for the militia expenditure for the year, or 1,000,000*l.* altogether, though adding only 500,000*l.* to the new or supplemental Estimates. Putting together the items of the supplementary Estimates we now ask for—4,550,000*l.* for the Navy, 300,000*l.* for the Army, 640,000*l.* for the Ordnance, and 500,000*l.* for the Militia, and we find a total of 6,000,000*l.* to provide for. But, Sir, in time of war, in proportion to the increase of our known charges, we must also make provision for the increase of charges unknown; and although 1,250,000*l.* appeared sufficient in the month of March, when it was possible the expedition sent to the East might return to our shores without having drawn the sword, now it is different. Blood has been shed—operations have been performed—and the only rational view is to presume we must make provision for a war expenditure for the year. Therefore, besides all the services, which are estimated for in strict Parliamentary phrase, I put 850,000*l.* to the 1,250,000*l.* already adverted to, and the total is 2,100,000*l.* for which we shall probably ask for a vote of credit. The exact form and amount of the Vote are not yet determined upon, and it may be convenient to wait a little longer before determining them; but I wish the Committee to understand that the Government will ask for a sum not less than 2,100,000*l.*, to be applicable at the discretion of the Government, to services which may arise in the course of the war. I beg the Committee to keep apart from the question we are now discussing another question, and a very important question — namely, whether cash ought not to be placed at the command of the Government, over and above the sums I have named. That is altogether a distinct question, and one on which I shall presently touch. I am now speaking of the amount of Votes we propose to ask of Parliament, as at present advised and using the best information in our power; and the result is, we ask the Committee to make a provision, which I hope will be adequate for the expenses of the year—a provision in addition to that already granted of 6,850,000*l.* The view taken by the Government, and the conviction at which they have arrived, are, that this sum of 6,850,000*l.* ought to be provided by an addition to the taxation of the country. They have thought it their duty carefully to consider what were the items upon which an increase of taxation might most justly and fairly be levied; and, in the first instance, the mind of every man who hears me will no doubt have outrun the course of my observations with respect to one great portion of those items. I may, therefore, do best, first of all, to state that we propose to execute that intention which we formed contingently some time ago — namely, that in case of the necessity arising for further demands upon the country for means to meet the expenses occasioned by the war, we ought to look first to repeating on the income tax that operation which we have already applied to the first half-year's payment. I see the right hon. Gentleman the Member for Lincolnshire (Mr. Christopher) smiles at my proposal: there cannot be a better omen of success, for I presume I may anticipate, from that cordial and genial smile, that I shall have his support. The income tax, as it stood under the law of 1853, was estimated to yield 6,275,000*l.* The Resolution adopted by this Committee in March, 1854, added to it 3.307,000*l.*, making a total of 9,582,000*l.* The second half-yearly payment of the income tax, which we propose to add to the first, will not amount precisely to the same sum, because the first half-year includes a somewhat greater amount of arrears; but we estimate it at 3,250,000*l.*, which, added to the previous sum of 9,582,000*l.*, will raise the total produce of the income tax for the year 1854–55 to very nearly the sum of 13,000,000*l.*—that is to say, to 12,832,000*l.* We propose, then, to double the income tax; and what I have described thus far is the fulfilment of an intention with regard to which the mind of almost every man who hears me had probably anticipated the policy of the Government. But Her Majesty's Government are of opinion that it is their duty, having now entered into war, to place the finances of the country for that war—so far as it is within their command to do it—on a firm and stable footing, by an adherence to former precedent; and although, so long as we had the slightest hope, the faintest imagination, that the expenditure might be temporary, we adopted in our war Estimates the constitutional course of limiting our demands both to the smallest sum and to the shortest time, yet when we come to make provision for a war in actual progress, we think it our duty to ask you to enable us to make that provision as it was made in former times, when your forefathers were called on to struggle for objects of national duty, national character, and national interests, and when they granted augmentations of the taxes which were to subsist during the period of that war. We, therefore, shall ask the Committee to grant the augmentation of the income tax now proposed—that is, the augmentation from 7*d.* to 14*d.* in the pound for the period of the war. It is not my intention to ask the House to come to any decision on the subject in the Resolution that will be proposed. According to precedent, the proper course will be to affirm in the Resolution the propriety of the increase, and the limit of time, if our proposal is adopted, will be made on the subsequent introduction of the Bill. In the Bill, therefore, we shall employ terms as nearly as possible corresponding with the terms employed on former occasions. The effect of these will be to place at the disposal of the Government, for services to be approved by Parliament, the income tax at the rate of 1*s.* 2*d.* in the pound for the period of the war—of course retaining the distinction of the fivepenny rate), which will only be raised to 10*d.*) in the case of incomes from 100*l.* to 150*l.* a year. We shall also propose in conformity—as far as we are able to preserve that conformity—with the intimation of last year, that in the event—of which God grant the realisation—in the event of the termination of the war, pending the operation of the income tax Act of 1853, the augmented income tax shall cease, and we shall fall back on the precise terms of the income tax as they were adjusted in the measure of last year.

The Committee will see that I have now arrived at the point when thus much will be obvious to them—that the total provision to be made by means of new taxes, after so applying the surplus of 1,660,000*l.*, which remains over to us from the former year, will equal about 10,000,000*l.* I have stated to the Committee our intentions about the income tax, which brings us to this point—that we propose to make provision from that source for about two-thirds of the entire expenditure. Then arises the question from whence further ways and means are to be drawn. That is a question which, of course, we have been called on most carefully to consider. There are those who think of the income tax so highly, that they would be willing to see it carried to a very considerably greater percentage than we propose—for instance, to a percentage of 10 per cent—without entering on the question of any other augmentation of taxes. Sir, the Government, aware of the value of the income tax for the purposes of war, and having shown themselves, I think, not indisposed to avail themselves of it as an instrument for fulfilling those purposes, yet are not inclined to push the doctrine of the expediency of the income tax to so extreme a point. We do not think it is just in principle that the class or classes whose incomes range from 100*l.* to 150*l.* a year and upwards, should bear the whole expenditure of a war entered into for national purposes. The income tax may fall very lightly on gentlemen of great wealth, and it does fall lightly upon them; but we cannot think of opening the general question of a graduated income tax. The same firm intention to keep the finances of the country apart—if we can keep them apart—from every dangerous and disorganising question which forbad us last year from entering on what we believed the visionary and mischievous scheme of attempting to apportion a tax to the value of different interests in income—that same principle forbids any attempt to apportion the rate of taxation to all the different and varying classes of income according to their amounts. That then being so, and looking to the bearing of the income tax on men with 100*l.* a year, and men with 150*l.* a year, and men with 200*l.* a year, and men with 300*l.* a year—upon many of those persons with wives and families to support, and with the character and position of men of education and refinement to sustain—and seeing that we cannot deny the severity of the burden already brought to bear on them, we do not feel it to be consistent with a sense of public duty to propose that they should be the exclusive bearers of such burdens. Neither are there any other direct taxes which the Government are prepared at the present moment to augment. So far as the assessed taxes are concerned—if you call those direct taxes, which is an appellation of doubtful propriety—it is obvious that we should entirely risk the new system of the assessed taxes, which the Committee will recollect was entirely re-constructed by the measure of last year, if we were to meddle with it at the present moment; because while in that year we greatly reduced and simplified the rate of taxation, we brought within its sweep a great number of persons and objects previously exempt. We invited those persons to fix their establishments between October, 1853, and April, 1854, according to the certain rates of tax which were to be levied in 1854-55; and it would be as if we had drawn them into a trap, and, as I said before, would endanger the continuance of the measure, and cause the risk of a reintroduction of the vicious system of exemptions, if we increased the assessed taxes under present circumstances. Neither are there any other direct taxes which we propose to increase.

There are several of the indirect taxes to which I will advert, and which have been under the consideration of the Government; but, in briefly stating the intentions of the Government, I will first take those articles on which we do not propose at the present time any change. Now, in the first place, there is one subject which *primâ facie* has great attractions, and which almost forces itself on the consideration of a Minister of Finance, driven to his wits' end for means of enlarging the resources of the country; that is an alteration of the rates of postage; because an alteration of the rate of postage is attended by this strong recommendation, that the whole increase realised would give a net increase, while the expenditure would probably be even diminished. But, Sir, the Government are not disposed to propose any such alteration. They think that that scheme has been admirably successful—that it has contributed, in a degree which hardly any one could be sanguine enough to anticipate, to the comforts of the people—that it is a great civilising and humanising agent—that its moral advantages are not less striking than its economical recommendations—and I am bound to say that in a fiscal point of view it has answered every expectation which could be rationally formed of it; for while in the year 1840 the net proceeds of postage revenue were 447,000*l.*, in 1847 they had risen to 845,000*l.*, and in 1853 they had risen to 1,104,000*l.* It may be recollected that in the year of the Great Exhibition, the sudden addition to the postage of the country was so enormous, that a reaction in the revenue was expected in the next year; but any one who looks over the annual lists can scarcely detect which was the year of the Great Exhibition, so rapid and yet so steady has been the growth of receipts under this most desirable and most advantageous system. The doubling of postage, unless it were extended to the district posts, would not bring in more than 600,000*l.* a year; and if extended to the district posts would not be more than 750,000*l.*; so that, under the present circumstances, the Government are decidedly of opinion that it would not be wise to attempt any change in respect to postage, except such changes as may tend further to extend and augment the accommodation which it affords to the public. They have lately succeeded in making one arrangement which, indeed, would render any interference with the law at this moment peculiarly unseasonable. A most valuable public servant, a man of unimpeached honour, of great assiduity, and of excellent abilities, who was Secretary to the Post Office at the time this change was adopted, and has continued Secretary until the present time, I mean Colonel Maberley, now retires from office to another post in the public service with the full confidence and approbation of all under whom he has served. But, without disparagement to any one, it will be obvious to the Committee that there is a great advantage in placing the development of the postage-system under the immediate care and superintendence of the gentleman who has the happiness of thinking that he stands recorded before the world, and that his name will be handed down to posterity, as the author of that system. Mr. Rowland Hill has, within the last few weeks, assumed the office of Secretary to the Post Office; and if we have seen that system extend and multiply its benefits with great rapidity heretofore, yet from the parental fondness for the system, which we may well presume, and from the great ability of that gentleman, we are justified in anticipating for the future, other circumstances remaining propitious, a still more rapid increase than the country has either seen or supposed possible.

Sir, something has been said out of doors on the subject of reimposing the taxes remitted last year. I do not know that it is necessary for me to refer to the subject of the soap duties; but if I do refer to it, I need not detain the Committee by discussing it. Government do not intend to propose their reimposition. It is dangerous to indulge in abstract or even general declarations; but I entertain the hope that nothing but the last extremity will ever induce the representatives of the people of this country to replace the fetters of Excise restriction upon any trade in cases where they have been once removed. The emancipation of trade we are persuaded will rapidly produce national benefits far outweighing the loss of revenue, and we do not propose, therefore, to interfere with the operation of measures which we are persuaded are so beneficial to the community at large. Another case which I will likewise refer to—because it was dealt with last year, and because it falls within the objections made by some, that revenue was then unduly sacrificed—is the case of the tea duties. We cannot, on the whole, think it compatible with our duty to propose any change at the present moment in the scale of duties which were imposed on tea by the measures of last year. The Committee will recollect that the case is a peculiar one. It was determined to lower the heavy duty payable on tea, not by a single stroke, but by a succession of falls, until it should arrive at the level of a shilling. To attempt any alteration in a duty like that is to interfere, not with a particular rate, but with a complex process of reductions. We ought, too, especially to bear in mind the bearing of the tea duty in England on China. It is not like an article grown for all the markets in the world. The tea of China is grown, I may say, for England. I do not mean to say that it is grown entirely and exclusively for England; a large portion of it goes to the United States, and a trifling portion to the Continent; but much more than one-half—two-thirds—perhaps of all the tea grown in China is grown for and exported to our market. Now, the object of the measures taken last year was to encourage the adoption of steps in China which would lead to a great increase in the available quantity of tea grown and prepared there for export. Those measures would necessarily extend over a series of years, and, if we were to interfere with them for the sake of supplying a want which I trust may yet possibly be only short-lived, we should run the risk of doing damage to the expectations which may be entertained with reference to the increased supplies which it might be possible to obtain thence. Without, therefore, asking or giving any pledge for future years, I hope the Committee will approve of our intention not to include any alteration of last year's scale of tea duties in our present proposals. There is one other subject which may occur to the Committee, and that is the tobacco duty. With regard to that duty, the Government have been driven to the same conclusion, that it was impossible for them wisely to interfere with the present arrangements. The tobacco duty as it is, is really a wonderful achievement. You are levying 5,000,000*l.* from an article by a duty at the rate of something like 1,200 per cent on the value; the proceeds amount to 5,000,000*l.* of money, and the revenue is improving progressively from year to year. This is a wonderful state of things, and is, I think, one of the cases in which the Government will act wisely in following the maxim, "Let well alone." If we were to tamper with that duty I do not think we should get a larger sum from it, and we might run the risk of breaking down the revenue altogether and enabling the smuggler to get the upper hand. We are all alive to the moral disadvantages of smuggling, and I do not think there would be a disposition to do anything which should give it a stimulus. And, moreover, if there could be one opportunity more unfortunate than another for augmenting these duties, it would be the precise moment when, as my right hon. Friend the First Lord of the Admiralty has already informed you, he has found it necessary to withdraw a considerable portion of the best men of the coast-guard for the service of the Crown in the Navy.

These, then, are the principal points which the Government have considered, and with respect to which they have come to a negative conclusion—and, by the whispers and the buzz around me I readily perceive that the Committee does not feel so much interest in our negative as it does in our positive conclusions. We are now coming, then, to the point. [*Cheers.*] Very well, Sir: I now come to the positive conclusions. We have stated that we think it necessary to go to the consumers for the further supply which is required for the public service, and we shall endeavour to do that in the form which will least interfere with trade, which will least interfere with the innocent enjoyments of the people, and least with consumption—which will, in fact, cause the smallest deduction from the comforts, the advantages, and the enjoyments of the people, as compared with the amount of revenue which it is necessary to raise for the purposes of the State. On the 6th of March last I adverted to the operations of the measures of last year, and so far from receding from any of those measures, I believe that I evinced a disposition even to extend one of them still further—the augmentation of the duty on spirits in Scotland and Ireland. In Scotland that augmentation was, I think, eminently agreeable by the state of public opinion; it was received by the whole country with those genial smiles with which the right hon. Gentleman the Member for Lincolnshire just now greeted my announcement of the doubled income tax. There is no fear in Scotland as regards the smuggler, and I would beg the Committee to recollect that the ultimate equalisation of all spirit duties in Great Britain, which may involve some reduction in England, but which must obviously involve some increase in Scotland, is a great object of fiscal policy, irrespective of the immediate needs of the Exchequer. That being so, we propose to repeat the same increase of 1*s.* per gallon on spirits in Scotland which we imposed last year, and instead of 4*s.* 8*d.*, as it now stands, it will, if the Committee approve the plan of the Government, be 5*s.* 8*d.* With respect to Ireland the success of the measure of last year was most complete. There were apprehensions on the subject of smuggling; but so far were we from calling smuggling into existence or into undue activity by the augmentation of the duty, that the augmentation not only did not throw back or prevent the increase of consumption, but, whereas I estimated the increase of revenue from the addition of the 8*d.* duty at 198,000*l.*, the actual yield was 213,000*l.* We propose, therefore, again to apply the same modicum of 8*d.* per gallon by way of augmentation upon the duty at present levied on spirits in Ireland. Allowing, then, for the reduction in consumption which I think may be expected—in Ireland 250,000 gallons, and in Scotland 380,000 gallons—as there is a downward progress in the consumption of spirits in that country which must be taken into account, arising from other than fiscal causes—the result of this measure will be a gain of 450,000*l.* to the Exchequer.

In my statement, Sir, of the 6th of March I adverted to a subject—knotty and vexed—one which has for long years been among the standing problems of Chancellors of the Exchequer and Secretaries of the Treasury—I mean the refining of sugar in bond. That is a matter very full of difficulties, and I gave a promise, in the month of March, that after Easter the intentions of the Government with respect to it should be announced. The Committee is aware of the grievance complained of by the sugar refiners, and by certain classes of producers, upon which it is not necessary for me at this moment to do more than to touch very slightly. It is a grievance arising out of the incidence of an equal inward duty, with an equal drawback outwards, upon the many qualities of raw sugar which are very unequal in the yield of refined sugar, and which, therefore, when they have received the drawback, have been subjected (assuming that they have been bought at prices proportioned to their qualities) to very different fiscal burdens, and do not therefore, so to speak, start fair in the foreign market. It is absolutely necessary to make some alteration in the present system; and several plans are open to us for that purpose. One is, that all refining of sugar should be carried on in bond. But we are reluctant to make that proposal, because it would apply restrictions and prevent the expansion of trade and enterprise by the application of fetters which are objectionable in their character. It would create, in fact, a new sort of excise. Another project is to allow nothing but open refining. But here we do not escape the difficulty arising from the unequal operation of equal duties upon unequal qualities, and we should likewise be withdrawing, without equivalent, a privilege long ago granted and enjoyed under the existing law. There is another plan — allowing parties at their own option either to refine in bond or to refine a duty-paid article. But this plan would not get rid of several of the evils now existing, and there is another objection to it — that it would cause very considerable loss to the revenue. Upon the whole, the Government have been brought to the conclusion, that the best plan for them to adopt is a plan of classification of the sugars — the introduction, that is to say, with reference to all sugars of a distinction of qualities which at present applies only to foreign sugars. Thus, by the law at present in force, British sugar, which is of a quality not equal to white clayed, is subject to a duty of 10*s.*; if under the quality of refined it pays 11*s.* 8*d.*, and, if of the quality of refined, it pays 13*s.* 4*d.* per cwt.; but foreign sugar, while it pays 12*s.* when under the quality of brown clayed, pays 13*s.* if under the quality of white clayed, 14*s.* if under refined, and 17*s.* 4*d.* if of the quality of refined. Upon the 5th of July next the duty is to be altered, and, as the law now stands, all sugars, irrespective of origin, being not equal to white clayed, would, after the 5th of July, be subject to a duty of 10*s.* per cwt. The grievance of the refiner, or of the producer to whom the refiner could not pay a fair price for his sugar, would then come fully into force; and I am bound to say there is much in that grievance, both to the refiner and to the grower, and that there should be some discrimination of duty in favour of sugars of a very low description. Therefore, the Committee will see that in some sense the readjustment of the sugar duties is forced upon the Government. How, then, was this to be done? It was clear to us that it was impossible to ask the Committee to make any sacrifice of revenue, under present circumstances, upon the sugar duties; but if we lowered the sugar duties upon a certain class, and that produced a less revenue, it followed that we should be driven to raise the duties on other classes of sugar, and, in point of fact, in some form or other, there must be at least a partial increase of the sugar duties. There is another consideration which has induced Her Majesty's Government to make a proposal on the subject of the sugar duties—and it is this. This is an article on which we can ask you to increase the means of the Treasury without adding to the price paid by the consumer—I mean now, at present, paid by the consumer; I do not mean the price he would have to pay supposing the alterations which have been provided for by the present law should take effect. It is withholding a boon not yet enjoyed—not withdrawing a boon, the actual enjoyment of which he has already attained. In point of fact, it is rather an improvement of his position; because you will agree with me it is the foreign duty which at present regulates the price, and not the British duty. The foreign duty upon all sugars not equal to white clayed in quality is at present 13*s.* per cwt. We propose that by an immediate resolution it shall be fixed at 12*s.*, without any regard to origin—that is to say, that that duty shall be incident upon all sugars alike, I mean to say upon all sugars of whatever country. In point of fact, we propose to antedate, by a period of about eight weeks, the equalisation of the sugar duties; and it will, accordingly, be my duty to ask the Committee, in conformity with former usage, to give their formal assent to this Resolution to-night, in order that to-morrow this increase of duty may come into operation. The scale of duties, as it is now proposed for all sugars without respect to origin, will therefore stand thus:—For all sugars not equal to brown clayed, 11*s.* per cwt.; for all sugars equal to brown clayed, but not equal to white clayed, 12*s.*; for all sugars equal to white clayed, but not equal to refined, 14*s.* If refined, the duty will then be 16*s.* per cwt. The corresponding duty on molasses will be 4*s.* 6*d.* per gallon. The gain which I anticipate from the application of this scale to the sugar duties—a scale, I must again remind the Committee, not involving an increase on the duties as they stand at present, but involving an increase on them as they would stand after the month of July next, of from 1*s.* 6*d.* to 2*s.* per cwt.—the gain will be 700,000*l.*, which, added to the gain of 450,000*l.* from the increase of the spirit duties in Scotland and Ireland, will amount to the sum of 1,150,000*l.*

The Chancellor of the Exchequer

Gentlemen will therefore see that I have now got the sum of 3,250,000*l.* from the income tax, 450,000*l.* from the spirit duties, and 700,000*l.* from the sugar duties, amounting in all to 4,400,000*l.* But the amount of charge for which I have stated it is necessary to provide is 6,850,000*l.* It will therefore be seen that we have yet a considerable step to take before we attain the full amount; and we propose to take that step by an augmentation of the duty on malt. Her Majesty's Government are convinced that this, in combination with the increase in the spirit duties, and also combined with the moderate increase, if so it is to be called, or modification rather, of the sugar duties, is the fairest mode in which they can give effect to the principle on which they propose to act—namely, that the war—although you may fairly call upon the wealthy classes in the country for a large proportion of its expenses, yet, as it is undertaken, not for any one class in particular, but for the national interests and the national honour—is one, the expense of which ought to be fairly distributed among the different classes of the community. We think, in this view, that the article of malt is one which commends itself to your consideration. It is an article of almost universal consumption. It competes at present with other articles, such as wines and spirits, which are much more highly taxed, and which I hope always will be more highly taxed; but at present they are taxed out of all proportion to malt. It is, too, an article from which we shall certainly (setting aside contingencies of harvest) get nearly the whole amount of duty that we expect—it is an article on which we can collect that duty without any additional expense—it is an article on which the duty can be collected without any additional restraint of any kind—and it is an article which, to sum up all, appears to us fairly to combine, irrespective of the consideration of what has been done in former times—all the features of a tax which, as unfortunately we have our choice to make, ought to determine our choice. I cannot, however, altogether decline the task of looking to what was done in former times; though in doing so it is necessary to guard against a fallacy which we may easily fall into; for it will not do to take the duty on malt as it now stands, and to compare it simply with the malt duty in former periods. For the Committee must remember that, though at former periods that tax was apparently lower, yet in reality it was a great deal higher, because malt stood then in graceful combination—they were like two beautiful sisters—with the beer duty, and the beer duty was at the time of its abolition equivalent to an additional duty of no less than 3*s.* 9*d.* per bushel on malt. Sir, in order to show you the effect of the beer duty upon the malt duty, I will give you the rates of this tax as it stood in former times, in combination with the beer duty. In 1801 the duty on malt was 1*s.* 4¼*d.* per bushel, but you must add to that the beer duty, which was 8*s.* per barrel; and the double duties really amounted to a tax of 4*s.* 4¼*d.* per bushel of malt. In 1802 the malt duty was raised to 2*s.* 5*d.* per bushel, and adding the beer duty, which was also raised to 9*s.* 5*d.* per barrel, it was equivalent to 5*s.* 11¼*d.* per bushel. In 1804 the duty was further raised to 4*s.* 5¾*d.* per bushel; the beer duty was also raised to 10*s.* per barrel, so that the effective duty on malt was raised to no less than 8*s.* 2¾*d.* per bushel. In 1816, and after the peace—remember this was a war duty—the tax was reduced to 2*s.* 5*d.*, but the beer duty was continued at 10*s.*, and the effective duty on malt in 1816 was 6*s.* 2*d.* per bushel. In 1819, that is to say, during the peace—and this is a precedent which I have not to propose to you to follow—the malt tax was raised to 3*s.* 7¼*d.*, which, with the addition of the beer duty, made a tax of 7*s.* 4¼*d.* in time of peace. In 1822 the tax was reduced to 2*s.* 7*d.*, but the beer duty remained at its former figure, so that the effective duty was 6*s.* 4*d.* per bushel. In 1830 the malt tax remained at 2*s.* 7*d.*, while the beer duty, which was then equivalent to more than half of the whole, was taken off. The tax has remained at that point ever since, with the exception of the slight additional duty of five per cent under the measure of 1840, making the duty a small fraction more than 2*s.* 8½*d.* per bushel. The proposal of the Government, then, is to raise the tax from what we will call, in round numbers, 2*s.* 9*d.* to 4*s.*, which will place it at a lower rate than it stood before 1801—at a much lower rate than it stood in 1802—less by one half than the rate at which it stood during the whole period of the great struggle of the war from 1804 to 1816, which was 8*s.* 2¾*d.* The consumption of malt in this country is estimated at 40,000,000 of bushels. That quantity of bushels, at the rate of duty proposed, would add 2,580,000*l.* to the Exchequer. I propose to deduct five per cent, or 130,000*l.*—not, I believe, an unreasonable deduction—which I believe to be sufficient for any diminution that may take place in the consumption; the net product would then be about 2,450,000*l.* to be received from the malt duties. Adding this sum to the sum of 450,000*l.* from the spirit duties, and the sum of 700,000*l.* from the sugar duties, and the sum of 3,250,000*l.* from the income tax, which I have already enumerated, and it brings us to the sum of 6,850,000*l.*, which is the exact amount we propose to ask from the House of Commons.

Sir, it will now be perceived, to sum up this part of the case, that the taxes granted on the 6th of March amounted to 3,307,000*l.*—the taxes we now propose amount to 6,850,000*l.*, making a gross amount of taxation asked from you during the present year of 10,157,000*l.* And if these taxes are set, as perhaps they reasonably may be, against the proposals of the remissions of taxation which were enacted, indeed, in 1853, but which were only to take effect in 1854, amounting in all to 1,474,000*l.*, the net augmentation of the burdens of the country will amount to 8,687,000*l.* If again you look to the distribution of these burdens, you will find that the increased income tax amounts to 6,557,000*l.*:—that is, about two-thirds of the whole additional burden is raised by one single direct tax upon the wealthier classes, while the other one-third it is proposed to raise by indirect taxation, affecting, I will not say any particular class, but the whole consuming classes of the people, and therefore in the main affecting all classes alike. Still farther adhering to precedent, what we propose is this; as we ask that this increased income tax should be continued during the war, so we propose to ask also for the malt duty during the whole war; but we propose to ask that the spirit duty should be continued without any limitation, because it is an advance towards a permanent fiscal improvement. The increase on the sugar duties we also ask with a view to the continuance of the war, but without fixing any precise point at which the limitation of time should be placed, because that requires the consideration of several points of minute detail, which may fairly be postponed till the proper time arrives.

Now, Sir, this is the provision which the Government proposes to make with respect to the expenditure now before us.

There is yet another point on which it is absolutely necessary that I should state the views of the Government; and it grows out of this consideration, that we have arrived at a state of things at which it is impossible to form the same calculations, with regard to the condition of the Exchequer, and as to the immediate supply of cash, which it was easy and safe to form in former times. In former times the actual expenses of the war did not gather rapidly upon the Exchequer; but there was a rapid and constant accumulation of debt in every imaginable form, and that altogether irrespective of the funded debt. Now, through an improvement in the system of keeping our accounts, we hope to be able, in a greater degree than formerly, to pay our way; we trust that it may be possible from year to year to state to the country the actual condition of the public finances. But I think the Committee will agree with me that, in entering into the first year of a war, it may be well for us to take an ample command of cash. We, therefore, have already asked you to give us power to expend the sum of 2,100,000*l.*, in addition to the estimates we have laid before you, and for extraordinary purposes; but we do not think it right to take even that as a limit. To give us a command of cash, we also propose to take from you, if you will give it us, still larger powers of raising money in case of need, subject of course to our responsibility and to the approbation of Parliament with regard to the application of the money. I must therefore go a little out of or rather beyond the ordinary course of financial statement to present to the Committee a view of what I may call the interim provision, which we propose to make. It must all along be borne in mind that even though the Committee should give us—as I trust you will—the taxes we ask for, yet the amount of those taxes cannot be wholly realised within the year. And there are other special causes which render it necessary that we should have a command of cash at a period like the present. I may refer, for instance, to the money that is held in deposit from the saving-banks; and from the great changes that may occur in the value of money—I do not refer to panics, for I believe there is at present no danger whatever of any panic—but a great change in the value of money from an increase of demand may cause the withdrawal of deposits, which would entail considerable expense, if we were obliged to meet it by a sale of stock at a time when the funds were low. Again, the declining state of trade and a consequent decline in the receipts from the ordinary sources of revenue might be another cause which would render it necessary to have a command of cash. Undoubtedly, nothing can be more satisfactory than the state of trade at present; but, at the same time, it would be presumptuous to assume as a matter of course that its elasticity and vigour are to continue altogether unimpaired during a period of war. It is possible that from some weak part of the revenue there may be a diminution; or, on the other hand, there may be such a rapid growth of the war expenditure as completely to outrun all that we reckoned upon. Of course, the limited amount of the public balances at the present moment is a further reason why you should exercise a vigilant and even jealous watchfulness over this portion of the arrangements proposed by Government. The object for which I now make this statement to you is not so much a question of actual or even probable expenditure as it is to create means which you may expend in case of need, with the approbation of Parliament, or on the responsibility of the Government, subject to the approbation of Parliament. We have asked you, in the way of a permanent annual provision of taxation — that is "permanent" with reference to the duration of the war as contra-distinguished from the cash operations of the year—for the sum of 6,850,000*l*. But out of that sum of 6,850,000*l*., I do not expect to receive in cash, before the 5th of April, 1855, more than something like the following sums;—namely, 220,000*l*. from the income tax, 400,000*l*. from the spirit duties, 620,000*l*. from the sugar duties, and 1,600,000*l*. from the malt duties—making a total of 2,840,000*l*., which is the greatest amount out of the taxes for which we now ask that we expect to have actually at our command before the 5th of April next. Therefore, deducting that sum of 2,840,000*l*. from the sum of 6,850,000*l*., it is plain that on the 5th of April, 1855, we shall be in arrear to the amount of no less than 4,000,000*l*. Now, that is a sum which Government ought to have ample means of raising, and even perhaps something more. The best medium of raising that money, according to the view of the Government, is through the medium of temporary securities. Those temporary securities might be issued in the usual form of Exchequer bills; but we propose to issue them in a form which was first mentioned, or at least proposed to the House with a practical view last year; and though circumstances did not favour the introduction or the extensive sale of the particular form of the security then proposed, still it was, I believe, generally considered that they were a very convenient and desirable species of security—I mean Exchequer bonds.

And here, Sir, I must remark that two different sets of charges have been brought against the Government in general, and against myself in particular, which are of a most gratuitous—I might even go further and say, of a most foolish character. It has been stated that after having pledged ourselves, on the 6th of March last, that we would ask for no loan, we gave notice on the 21st April that we intended to have a loan. No doubt that would have been a most serious and damaging accusation to bring against any Government, if there had happened to be one word of truth in it. But, Sir, that slight and unimportant element of truth is totally wanting to this statement. We never pledged ourselves to Parliament in March that there should be no loan; and yet, again, there was no loan on the 21st April. What was said on the 6th March I stated with the authority of my Colleagues. What I then said under their instructions was this—that while they conceived it to be impossible that they should commit themselves by any pledge or by any abstract declaration, they felt strongly that it was the duty and the policy of the country to make in the first instance a great effort from its own resources, and that effort we recommended the country to make; but we never attempted to bind our own discretion or the discretion of Parliament by any pledge of an abstract character with reference to a loan. Again, what appeared on the 21st April was no loan, but a provision for the temporary raising of money; and if those who spoke of it as a loan would but have had the patience to wait, and to waive all discussion till the matter was fairly before Parliament, they would have known that it was our intention to take power, if we found that we had raised more money in this way than we actually needed, to employ it, as far as might be convenient, in the redemption of certain other public securities. It is a totally different operation from a loan; the question we had to consider was simply what would be, all things considered, the most convenient form of making a temporary or interim provision for the public expenses, in anticipation of the proceeds of taxes granted, but not actually received. By a loan is commonly understood, in this country, the sale of a perpetual annuity, redeemable only at the pleasure of the borrower, and on certain terms; or what is commonly called the creation of stock. If you tell me that all borrowing of money, whether for a time or for a permanence, is a loan, then I reply that, if such operations be loans, it is quite plain there was no pledge on the 6th of March not to make a loan, for on that day I asked for power to raise a million and three-quarters by Exchequer bills, in anticipation of the proceeds of the doubled income tax. But such is not the meaning of the word as commonly understood. In the very notice we issued, though the operation contemplated was to the extent of 6,000,000*l*. of money, yet capitalists were also invited to send in Exchequer bills as well as money, and that circumstance alone might have proved that the operation was of a totally different character from a loan. Sir, that proposition with regard to Exchequer bonds was to invite tenders to the amount of 2,000,000*l*. of Exchequer bonds, to be liquidated at par in 1858; 2,000,000*l*. more to be liquidated at par in 1859; and a third 2,000,000*l*. of bonds, to be liquidated at par in 1860. Of these bonds only a very limited portion has been taken. On the 2nd of May, when the tenders were sent in, it appeared that 1,370,000*l.* was the whole amount for which tenders were given. There was no question and no quarrel with regard to the rate of interest, because the sealed price fixed for the first class bonds was 98*l.* 15*s.*, and for the others in proportion; and four-fifths of the amount tendered, or 1,113,000*l.*, was offered either at the sealed price or within 2*s.* or 3*s.* of it. But the full amount of tenders was not sent in; the lists still remain open, and at the present time I believe—although I cannot state it with perfect minuteness—the state of the case is this—the whole of bonds A have been taken, except a small amount; of bonds B and C no quantity worth mention has been taken, and an arrangement will be made with the few parties who have tendered for them to release them from their contracts. Now, the question may fairly be asked, what is the cause that these Exchequer bonds have not been taken? It cannot be that they were at a rate of interest too low, because the capitalists of this country are quite accustomed to lend money at a low rate of interest, compensating themselves by a diminution in their tenders of the principal sums, and nothing is more common than that they should lend their money with that understanding, at a rate of interest so low as 3 per cent. The cause of the failure is a cause which may be mentioned without the slightest scruple, without the smallest doubt, and without the smallest occasion of reproach to any one. The practice obtaining in all former wars has been not to make any effort to meet even their first charges from the annual resources of the country; on the contrary, our Parliaments and statesmen have on these occasions at once borrowed largely and added to the funds, and the fortunes then made on the stocks have been so gigantic, that the opening of a war has been a period no less distinguished for the opportunities it afforded to contractors than for the opportunities it afforded to heroes. It offered to heroes an opportunity for ensuring an immortality of renown, and it afforded to contractors an opportunity for erecting colossal fortunes. I am not surprised, therefore, that there was a decided disapproval of the determination of the Government to avoid the example of former times, which was followed by Mr. Pitt, in 1793, and rather to adhere to the wiser policy which he was inclined to pursue at a later period, a policy which would not lead to the creation of enormous amount of stocks, entailing upon posterity millions, tens of million, aye, hundreds of millions of debt, for which no equivalent whatever, scarcely even the slightest consideration was ever received in hard money, but which, if liquidated at all, must now be liquidated in hard cash. It was hardly to be expected that this determination of ours should be a popular announcement; and so long as this matter rests on the will of the Chancellor of the Exchequer or of the First Lord of the Treasury, it is not to be expected that they should be able to charm or subdue their powerful antagonists. But, in my opinion, this determination ought not to rest with the Executive Government—it ought to rest with this House. We ask the House, therefore, to decide upon our policy. Let the House declare, by an intelligible vote upon the proposals of the Government, its opinion upon the policy to be pursued, and having made choice between the two courses proposed to it—the one to follow the old system of loans, the other to make reasonable efforts to raise the expenditure, in the first instance, at least, from the current resources of the country, and to reserve the system of loans for a future period of real and urgent necessity for resorting to such a course. When the House shall, by an intelligible vote, have pronounced its opinion upon this subject, then it will no longer be the opinion of the Chancellor of the Exchequer or his proposals, it will be the opinion of the House; and then capitalists, who were perfectly entitled, as I freely grant it, to set small store by any opinion or intuition of mine, will cease to cherish the expectation of operations founded upon the old system. The proposition I have now to make, Sir, is in conformity with these principles. It is to this effect: that you should give us interim funds, and that command of cash which will afford us such a margin for our expenditure as we ought to have. We propose to take authority both to confirm the contracts entered into with respect to bonds A, and to issue, at the discretion of the Lords of the Treasury, the other two series of bonds for 2,000,000*l.* each, either now or at some future period; we propose also to take the alternative power of issuing 2,000,000*l.* of Exchequer bills, and as many more Exchequer bills as will make up any sum which shall be wanting from the failure of any part of the 4,000,000*l.*, of Exchequer bonds. At first sight these resolutions may appear to give us a command of 6,000,000*l.* But it will not be quite so much, because a sum amounting to some hundred thousand pounds—500,000*l.* or 600,000*l.*—has already been sent in for the bonds in the shape of Exchequer bills, and is not, therefore, an effective addition to cash. The effective addition to cash is in round numbers 5,500,000*l.*, and that will be made applicable either to services approved by Parliament, or to the liquidation of public securities. Perhaps it may be agreeable to the Committee that I should now state to them, in a few words, what is not a financial estimate nor a tax estimate, but a cash estimate—an estimate of the cash which will be at our command between April the 5th, 1854, and April the 5th, 1855. Out of the new taxes you are now asked to vote, we expect to get, before the 5th of April, 1855, 2,840,000*l.* and the Exchequer bonds and Exchequer bills now asked for may amount, as I have said, to 5,500,000*l.* Adding these two items, which amount to 8,340,000*l.*, to the sum of 58,406,000*l.*, you have a total provision of 66,746,000*l.*, with a probable amount to charge of 63,039,000*l.* The margin taken, therefore, will reach to 3,707,000*l.*, or, to be secure, say 3,500,000*l.* I shall refer you first to the charges we have to meet. The expenditure of the country, for which you provided on the 6th of March last, was 56,189,000*l.*; the new estimates amount to 6,850,000*l.*; making a total estimated expenditure of 63,039,000*l.* In this I include a sum for expenditure not estimated of 2,100,000*l.* Then the ordinary revenue of the year 1854–5 was estimated at 53,349,000*l.*; which, by the produce of the first half-year's double income tax—3,307,000*l.*—was raised to 56,656,000*l.* You then voted 1,750,000*l.* Exchequer bills, (of which 1,250,000*l.* have been since issued), which makes a total amount of 58,406,000*l.* To this add 2,840,000*l.* for taxes, and 5,500,000*l.* for Exchequer bonds or bills, and the result is 66,746,000*l.* This estimate, I beg to remind the Committee, is something entirely different from the estimate of the produce of the various taxes—it is the estimate of a cash account which I ask Parliament for the means to realise, and the surplus of which will be applicable to any purposes which Parliament may think fit.

I have now, Sir, stated the bulk of my propositions, and I ought next to acquaint the Committee with the order in which I propose to take them. I shall ask the Committee to do, on the present occasion, that which, without prejudice to a subsequent vote, or to the views of any individual Member of this House, has been done on all former occasions, namely, to grant to us, with respect to the taxes upon articles of consumption, the formal sanction of the Resolution in Committee, so as to enable us to raise the charge on the goods at once, and thereby prevent evasion of the duty. I have said that has been done upon all former occasions; but I ought, with some reproach to myself, to except the case of the Irish spirit duty in the Budget of last year; for, in the multitude of subjects with which I had then to deal, I omitted to place the Resolution in your hands, and a day's delay was the consequence. I don't think, under the circumstances, that any harm was done; for, in point of fact, the revenue officers, anticipating that the usual course would be followed, had already proceeded to raise the charge upon the various commodities. That, however, is a resource which I should not like to trust to on all occasions; and, as the question involved is a question of a good many hundred thousand pounds, I am sure the Committee will approve of our taking the usual course of requesting a vote upon those portions of taxation which affect consumable articles. In that case it will be my duty to ask for an immediate vote—but without the slightest prejudice to the future discussion of the respective subjects—upon the excise duty on spirits, the Excise duty on malt, the Excise duty on sugar, the Customs' duty on sugar, and the Customs' duty on spirits, and likewise on Exchequer bonds, so far as relates to the completion of contracts into which the Government has already entered. With regard to such contracts, it has been the uniform practice for the House, out of consideration for the parties, immediately to pronounce its opinion.

But while asking the Committee for this vote, I cannot forget that, in the opinion of some persons, the Government are deeply censurable, and even disqualified from making any proposition whatever in relation to finance. The charge to which I am now about to refer relates, and my answer will relate not to me individually so much as to the Government at large. The charge against myself personally is, that of dispersing the balances accumulated at the Bank, and of mismanaging the various matters connected with the public credit; it does not relate to what I may call the administration of permanent or legislative finance. But the charge against the Government at large is one against its permanent administration of finance; for it is said that we have wantonly sacrificed by our measures of last year, great branches of the public revenue, and deprived the country of valuable resources which it ought to have possessed at the commencement of a war; and this, too, when, though Parliament was not aware that a war was likely to take place, yet Government must have been aware how nearly and certainly it was impending. ["Hear, hear!"] Perhaps those cheers are meant to indicate an affirmation of the charge. At any rate, the charge was made; but it was made in the most inconsistent terms, and I am somewhat anxious to see the efforts that will be made to piece them together; because, while the right hon. Member for Droitwich (Sir John Pakington) who made the charge, asserts not only that the war must have been anticipated but that it could not possibly have been avoided, his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) asserts that nothing could be easier than to have avoided it, and that, in point of fact, if it had not been for one single man the Government could not have helped avoiding it. But, Sir, the charge resolves itself into neither more nor less than this, that we believed a great European Sovereign would act in conformity with his pledges, and in conformity with his interest; and he has placed himself in a position which we are equally at a loss to reconcile with his pledges and with his interest—a position in which he sees the whole moral strength of Europe—aye, Sir, and in a few weeks, it may even be in a few days, I believe he will see nearly the whole physical strength of Europe arrayed against him. Sir, it is not necessary for me to enter into the question of what the Government might have foreseen on this subject. It is a matter of weight and moment, such that it ought to be dealt with, if at all, in a separate discussion. But what I want to touch upon is the absurd charge brought against the Government, that by the measures of last year they needlessly surrendered any branch of the public revenue. Never was there a charge more utterly devoid of truth. What was the state of the country when we took office? Did we find the revenue of the country in a state in which it was open to us to let it alone if we pleased? What, in particular, was the condition of the income tax at that moment? Was the renewal of the income tax a matter of form, a matter of course? Year after year it had been made the subject of discussion whether it should be continued or not. The opinion which Mr. Pitt thought was dangerous, and which Sir Robert Peel thought was impracticable, and which the right hon. Member for the University of Cambridge (Mr. Goulburn) thought was visionary — that opinion had obtained so much currency and vogue, that the renewal of the income tax, with reconstructing, or, as it was then called, "differentiating" it, was deemed almost impossible. Is that true or is it not? How did the right hon. Gentleman opposite (Mr. Disraeli), my predecessor in office, deal with the subject? The right hon. Gentleman thought it consistent with the duty he owed to Her Majesty as one of Her responsible advisers to propose that this differentiation, deemed impossible by every Minister who had had to deal with the enactment and framing of the tax, should take place without having prepared any plan on which to proceed. He promised to do that which Mr. Pitt could not do, which Sir Robert Peel could not do, and which even he himself did not know how to do. He told us he proposed to fix the rate on Schedule A at 7*d.*, on Schedule C at 7*d.*, on Schedules D and E at 5¼.; but when my right hon. Friend the First Lord of the Admiralty (Sir J. Graham) and the right hon. Member for Portsmouth (Sir F. Baring) and other hon. Gentlemen in this House, showed the intolerable absurdities the right hon. Gentleman must commit in the attempt to redeem that pledge, the right hon. Gentleman said he had not had time to look at the schedules. The meaning of that was, that he had not had time to form a plan, or even to ascertain if that was practicable which Mr. Pitt and Sir R. Peel had pronounced to be impracticable, but which the right hon. Gentleman had promised, without bestowing a thought on the mode of performing it, nevertheless to perform. Well, Sir, this was the great fact that confronted us when we came into office—the income tax was dead and gone—the Act had expired on the 5th of April—when our financial proposals were made, and, so far from having a surplus, we had a deficiency of 4,700,000*l.* to confront. With regard to the income-tax, the renewal of that tax was no matter of course, no matter of form, for it will well be remembered that the wish and intention of a large majority of the House was, that we should not renew the income tax, except on condition of reconstructing it. We, from the very first day we entered office, set ourselves to the most serious consideration of the subject; we obtained every aid in our power, we discussed it again and again, we turned it over and over, placing it in every possible light in which it could be placed before the House; and at length we came to that conclusion to which Mr. Pitt had come, and to which Sir Robert Peel had come—the conclusion that it was impossible to reconstruct the income tax so as to frame a measure which Parliament might in justice, or, I should say, even in decency, pass into law. I see now before me one hon. Member, who, after having been of an opposite opinion, stated in this House that further examination had taught him that the question could not be settled in that manner. But, then, we said, "we distinguish between the feelings which have led to the desire for reconstruction of the income tax, and the practicability of the particular form in which that policy was put." We said, "What you feel is this, that property pays too little and intelligence pays too much; we have inquired into the nature of the income tax, and find we cannot redress that inequality in it, but we will find another mode to make compensation for it." Sir, we found that other mode of redressing the inequalities of the income tax in the succession tax. And then, we came forward with this mode of redressing the unequal measure of burden, of which there had been such complaints, between intelligence and property, instead of being applauded for our efforts, we encountered the most bitter opposition from the right hon. Gentleman opposite and his party—I beg pardon for the use of the word, it escaped me without my intending it—but I must say that we certainly encountered from the right hon. Gentleman opposite the most stout and sturdy opposition. For the last month such has been the course of the discussion about the finance measures of 1853, that a man who knew nothing of the proceedings of Parliament in 1853, or who listened only to the statements of those hon. Gentlemen who have been busy on the subject, would suppose we had been discussing during the whole of that Session, nothing in the world but the conversion of minor stocks. They quite forgot the forty divisions upon the twenty or thirty nights during which we were inviting the House to effect great financial improvements, which were resolutely opposed by the right hon. Gentleman and his party. We were inviting the House to rescue and restore the income tax, to redeem it from that state of weakness, from that state of discredit, and from that state of danger to the public, into which that powerful engine of finance had been cast, and to place it again in a condition, in which alone it ought to be whenever you have it, or if you have it at all, in which it might be available for the purposes of war, as well as of peace; and by your aid we were enabled to place it in such a position, and so to deal with it that it might prove competent to bear the augmentation now proposed, that enables you now to prepare for the arrival of war, and to take up a strong position in respect to it. We were enabled by your aid to pass the Succession Duty Bill; a measure most difficult in its details, although most moderate in its provisions, a measure that seemed to press upon individuals, but which was adjusted principally by abating something of extreme claims upon all sides; but at the same time, a measure the passing of which I do not hesitate to say, while it adds enormously to the stability and permanence of your finances has likewise added not less to the political stability of the country. These things were done. The Customs, too, were reformed; the soap duties were abolished; the reformation of the stamp duties, admirably commenced some time before by my right hon. Friend (Sir C. Wood), was continued; the assessed taxes were reconstructed, and reduced from complexity and anomaly and injustice to a system of rates simple, uniform, and moderate. By your aid, by your generous confidence, and by the no less unequivocal approval of the community at large, those things were done; and now we have come to a time when it is supposed that only the conversion of minor stocks was our employment in 1853; and when the measures of last year are referred to as an abandonment of income. No, Sir, the real abandonment of the income of the country is by the men who propose to carry into effect impracticable plans without having considered the ways and the means by which such measures are to be carried out. This is the real abandonment of the income of the country. Upon the contrary, I say we induced you, and you readily followed in our earnest efforts, to effect these changes; and you consequently left the finances of the country in a condition—on the eve of a war, on the very threshold of a great struggle—so satisfactory, that the surplus upon the revenue of the year, after all these "improvident" operations, amounted to no less than 3,500,000*l*. This, Sir, was the result of the conduct of the Government; and now I ask what other charges have we to answer? We shall be told that the burdens which we are about to lay on the country ought not to be met by taxation, but ought to be met by a loan. Sir, if I might venture to speculate upon the conduct of this Committee, I think upon the whole it will be felt, if you are to examine to a general adjustment and distribution of the burdens which we propose, it will be found that the general distribution is not an unfair one. We have called upon the wealthy, or the comparatively wealthy, to bear two-thirds of the expense; we have divided the other third among the entire community, and we have chosen articles on which the additional taxation will inflict the least mischief, and the least inconvenience, in proportion to the revenue to be produced. I do not think that upon the details of those taxes it will be possible to induce the Committee to entertain much doubt. But there may be those who will strike at the root of the whole plan. There may be those who think, as is thought, no doubt, by many gentlemen associated with what is called the "money-power"—I do not mean Gentlemen in this House—for Gentlemen in this House, there is no question, will perform the duty which appertains to them as representatives of the people, and be governed entirely by considerations of public policy;—but there may be gentlemen who will talk of the great inconvenience that attaches to this tax or that tax, of its great unpopularity, raising a cry which may always be raised with regard to questions between one tax and another, and urging the weighty objections, some real and some unreal, but yet plausible and telling, that can be made against all taxes. I do not in the slightest degree doubt that there may be Gentlemen here, as elsewhere, who may say, "Abandon altogether your new-fangled financial notions, and let us fall back upon the comfortable and familiar expedient of a loan." But I beg the Committee will recollect that if there is any man in this country who, beyond any other, except, perhaps, the capitalist, as regards the matter of feeling and personal comfort—if there is any one man in this country, who beyond every other has an interest in recommending recourse to a loan—it is the individual who has the honour to fill the office of Chancellor of the Exchequer. His office is one which any man may be thankful to hold at a time when his occupation is to deal with those expanding resources which a wise policy has developed, and to distribute what may well be called the bounty of the Legislature, because it results, under God, from the wisdom of Parliament, among the various classes of the community. But that happy function is wofully changed when there comes a period of war. It is not only a losing office, but it is a miserable and a wretched office, to be constantly engaged in inventing the means of carrying on the war by imposing fresh taxes upon the earnings of the people. Every good motive, and every bad motive, combated only by the desire of the approval of honourable men, and by conscientious rectitude—every motive of comfort, of facility, and of security, spring forward in his mind to induce a Chancellor of the Exchequer to be the very first man to recommend a loan. What was it that conferred upon Mr. Pitt the title of the "heaven-born Minister?" Was not that name invented a little further eastward? It might not be difficult to trace the designation to its source; my noble Friend's historical research might furnish us with its origin; but I have understood that that name came from the City of London, and came from the City of London at the time when Pitt embarked this country in the unhappy policy of meeting the expenditure of a revolutionary war even from the first by loan, loan, loan. This topic is so important that, notwithstanding the demand which I have already made upon your time, I must ask you—and it is the last request which I shall make to-night—to go back with me for a little while to the period of that revolutionary war. On a former occasion I referred to the *dicta* of political economists, and I referred to the moral considerations, and to the lessons of common experience, which seemed to recommend and render expedient some efforts to meet the first expenses of the war by means of taxes; but there is something that is stronger than my moral speculations, or than the philosophic calculations of political reasoners and experimentalists; and that something is to be found in the warnings of history. If, after the records which your own history has left to you, you will not make an attempt, at least for a reasonable time and within reasonable limits, to avoid the repetition of similar errors, you are not worthy of the people you represent. Here, Sir, is the War Budget of 1792, and what did Mr. Pitt do with regard to the first operations of the war? Mr. Pitt proposed a plan involving an excess of charge over ways and means of 4,500,000*l.*, that is, taking the income of the country on the one side, and taking the charge connected with the first operations of the war as well as the ordinary expenditure on the other. This was all the expense he proposed to incur; this was the beginning. Mr. Pitt, like other men, had his errors; and the country is still smarting for them. But I cannot refer even to the errors of so great a man without avowing my respect and veneration for his memory. [*A Laugh.*] Sir, I am under no obligation to profess such a sentiment; it is our right and duty to read the characters of public men in the light of history; but I say simply, because it is the truth, that I look with sincere and profound respect upon the political character and the genius of Mr. Pitt. Let the hon. Member for Whitehaven have the patience to wait until he has heard me through. I will invite him to join me in sharing his veneration for Mr. Pitt by imitating, as I ask this Committee to imitate, his later and wiser policy. But at present I am speaking of Mr. Pitt's errors at the commencement of the war in 1793. He had heard then, no doubt, all those plausibilities we hear now in great abundance, such as "Oh, the war is all for the benefit of posterity, and why should not posterity pay for it?" He therefore made a charge of 4,500,000*l.*, not by attempting to fill his Exchequer with the proceeds of taxes, but by sending into the City and asking for a loan of 6,000,000*l.* at 75*l.* Well, he very easily accomplished his desire. There was no unpopularity; quite the contrary. Great skill, much praise; great effect, everybody well satisfied. Admirable finance! Why, I must be as blind as a mole not to see that my personal interest would lie, and the interest of Government would have lain in our availing ourselves of this means to do what? to get the wheel into the rut. But I must remind you that, though it is easy to get the wheel into the rut, it requires great and persevering efforts to get it out again. Mr. Pitt proposed a loan of 6,000,000*l.* with a sinking fund as usual, and at an interest of 4 per cent, amounting to 240,000*l.*; and, in order to meet that charge, he imposed new taxes to the amount of 287,000*l.* This was the first effort of the country in the revolutionary war. And then he used these words:—"Such were the large and ample provisions with which he would supply the exigencies of the country in her present emergency,"—namely, the additional taxation of 287,000*l.* only, but with the limitation of the taxation purchased at the expense of a loan of 6,000,000*l.* You may, perhaps, say:—"Well, in the first year no very great mischief was done." Mr. Pitt thought he should get that loan at 4 per cent, but he had to pay 4*l.* 3*s.* 4*d.* per cent even on the 4,500,000*l.* of the first year. What was the second step in 1794? In 1794 Mr. Pitt borrowed 11,000,000*l.*, paying for it not 4*l.* 3*s.* 4*d.* but 4*l.* 10*s.* 9*d.* per cent. In 1795 he borrowed 18,000,000*l.*, at 4*l.* 15*s.* 8*d.* per cent. In 1796 he borrowed 25,500,000*l.*, for which he paid 4*l.* 14*s.* 9*d.* and 4*l.* 12*s.* 2*d.* per cent. In 1797 he borrowed 32,500,000*l.*, for which he paid 5*l.* 14*s.* 3*d.* and 6*l.* 6*s.* 10*d.* per cent. Surely he deserved popularity. Surely for this he was a heaven-born Minister. Again, in 1798, Mr. Pitt borrowed 17,000,000*l.* at 6*l.* 4*s.* 9*d.* per cent. Such were the fatal effects of the series of measures upon which he had entered, that in order to obtain those 17,000,000*l.*, independently of annuities separately created, he added 34,000,000*l.* to the capital of the national debt. In fact, the financial operations of those six years, unsuccessful and ineffective as they were in respect to the war, gave him a sum of no more than 108,500,000*l.*, but they added nearly 200,000,000*l.* to the capital of the national debt. My wish is to lay fully open this part of the case before you, and it is for you to decide whether you will follow a similar course or whether you will not.

But I said, Sir, that I had a veneration for the memory of Mr. Pitt. So I have; and now I will show you what Mr. Pitt did when he became sensible of the errors he had committed in the first instance; he saw ruin gathering on the country; he perceived the rapid absorption of its resources; and what did he do? He determined to make a manful and a gallant effort to retrieve it. In 1797 he made his first effort in this respect by proposing to raise 7,000,000*l.* by assessed taxes. The plan broke down—other plans, it seems, break down occasionally, besides those of the present day—and, instead of 7,000,000*l.* he only got 4,000,000*l.* In the year 1798, not daunted by that failure, he proposed to raise 10,000,000*l.* by means of the income tax; and from that time onwards his career was one series of continued and almost convulsive efforts to recover his ground, to extricate the country from the frightful consequences of the former laxity, and to provide against a recurrence of similar evils in future. As to the amount of these evils, I believe I should not be stating them too high if I were to say that upon the list of your national debt, as it stands at this moment, there is not less than 250,000,000*l.* of money for which the nation never received one halfpenny—that is, the mere offerings sacrificed to capital and thrown in as bonus, by way of inducement to subscribe, but which did not sensibly reduce the rate of annual charge upon the amount of money borrowed. I do not believe that 250,000,000*l.* is an extravagant estimate of the amount of burden caused to the country by the enormous errors which were then and in earlier times committed. The sinking fund established by Mr. Pitt was another form of mischief. By means of the sinking fund you were continually buying up stock at 3, 4, or 5 per cent below the rate at which you were simultaneously creating stock in order to find the money to make the purchase. You were buying stock to reduce it at 60, and creating it again sometimes as high as at 68. Thus, what the "heaven-born policy" did was to re-establish the patient by putting a seton into the body; for this process was nothing but a perpetual drain upon the resources of the country, in addition to the other sad circumstances of the times. But that later effort of Mr. Pitt was one that ought to be placed upon record, for perpetual praise, because when he saw what had happened through rushing, at the first pressure, to obtain relief by means of a loan he strove with all his might to repair the mischief. He saw what lamentable results had been produced through a want of moral courage not in himself only, but in the country—for undoubtedly it was not his fault only; he only represented the public sentiment of the country in what he did at that time; it was the error of the nation, and God knows the nation has suffered enough for it ever since. When Mr. Pitt proposed the income tax, he said:—

> "Gentlemen will recollect that in the debates upon the subject of the assessed taxes last Session two fundamental principles were established as the rule by which we should be guided in providing for the supplies for the service of the year. These were, first, to reduce the total amount to be at present raised by a loan; and next, as far as it was not reducible, to reduce it to such a limit that no more loans should be raised than a temporary tax should defray within a limited time."

And therefore Mr. Pitt, after six years of war, and in the midst of the exhaustion which it produced, proposed to add no less than about 40 per cent to the revenue of the country, with a view, if he could, of putting a stop to the further imposition of any permanent burdens upon the country. He proposed partly to raise the supplies within the year, and he proposed to raise the remainder by borrowing a certain amount, to be paid off, as he calculated, within a limited number of years. That was a great and a gallant proposal on the part of Mr. Pitt. I hope the hon. Member opposite will join me in paying this tribute of respect to that most important measure by showing that he is now prepared to act with us in support of a similar policy. The King's speech at the close of the Session, of 1798-9, referred emphatically to that policy. His Majesty said, addressing the House of Commons:—

> "Gentlemen of the House of Commons,—The unusual sacrifices which you have made in the present moment, on behalf of my subjects, are wisely calculated to meet effectually the exigencies of this great crisis. They have at the same time given additional security to public credit, by establishing a system of finance beneficial alike to yourselves and to posterity; and the cheerfulness with which these heavy burdens are supported evinces at once the good sense, the loyalty, and the public spirit of the people."

In Mr. Pitt's speech, in 1799, he too referred to this policy, and he said:—

> "I am sure that the various circumstances of these statements must confirm in Gentlemen's minds the inestimable advantages that the public will derive from an adequate provision being made to answer the exigencies of each year. It must fill the mind of every man with satisfaction to contemplate so pleasing a prospect, that should the war be lengthened to ever so distant a period, we shall have within our power the means of carrying it on with vigour, if our expenses shall not exceed the sums at which they are now estimated, and if we adhere to the system of borrowing no more than shall be answered by the taxes already existing."

The proposal of Mr. Pitt, in 1798, was at once to raise the sum of 10,000,000*l.* towards meeting the expenditure of the war; but he did more than this. Between the years 1797 and 1799 the revenue had increased 12,500,000*l.*; for in the period between those years it rose from 23,100,000*l.*, in 1797, to 35,600,000*l.*, in 1799. Still the excess of expenditure continued to grow; it was not possible to keep it down by these efforts. But subsequently, in 1803, the revenue got up to 38,600,000*l.*; and in 1805, the last year of Mr. Pitt's life, it reached to no less an amount than 50,900,000*l.*, a further increase of 12,300,000*l.*, having been effected with a view to meeting the expenses of the war and keeping down the accumulation of debt. In 1806, Lord Lansdowne was Chancellor of the Exchequer, and the full income tax of 10 per cent was enacted. The revenue was raised from 50,900,000*l.*, in 1805, to 59,300,000*l.*, in 1807, being an increase of 8,400,000*l.*; and from 1806 to 1816, the revenue was never below 60,000,000*l.*, whilst sometimes it passed 70,000,000*l.* a year. Such were the ideas that Englishmen, and Scotchmen, and Irishmen, entertained, in those days, of the efforts that they ought to make, by themselves and from their own resources, for the purpose of defraying the expenditure upon what they thought a just and necessary war. Very singularly it has been shown, by an eminent and an able political economist, Mr. M'Culloch, that in point of fact the whole real accumulation of our permanent debt is due to the errors of the earlier part of the war. Between the year 1806 (and this is a most important fact) and the year 1816, such were the noble and manful efforts of the country to do its duty, that the sums then raised were not only amply sufficient to pay the expenses of the civil government of the country, but also the whole outlay required by the war in those great and glorious years, and the interest of the debt as the debt stood before 1793; the charge, however, on the accumulations between 1793 and 1806—some of which were still accumulating at compound interest—they were never able to overtake.

These, then, Sir, were the convictions which Mr. Pitt, and the successors of Mr. Pitt, entertained of their duty to the country; this was the idea which they had of their obligations to posterity. Do you suppose that in those days, when the Duke of Wellington was crowning the British Armies with fresh laurels from year to year, your fathers did not think they were fighting for the advantage of posterity—that they did not think they were fighting for our advantage, for we were posterity to them, when they made such efforts to meet those tremendous charges by sacrifices of their own? And now, I ask, do you revere the really great acts of Mr. Pitt? I ask you, are you worthy descendants of those who did these noble acts? If so, while claiming to judge and to canvass you can yet honour your fathers for their manly courage and for the far-sighted views which led them to make the sacrifices that were asked and obtained for them in 1798. Well, then, Sir, if in 1798, when Mr. Pitt proposed the income tax to your predecessors, they consented, and consented without a murmur, to make sacrifices—what is our case now? Why, we are enjoying the fruits of forty years of peace, and abatement of taxation carried to a marvellous extent. Our burdens have been reduced, by the merciful continuance of peace during these forty years, by an enormous amount. Now comes the first demand—now comes the first pressure—now comes the time that will show of what mettle you are made. Sir, we do not ask you —God forbid we should—to enter into any engagements, or to bind yourselves by any abstract Resolutions. We only ask you to take the step now put before you. The petition we make to you is to give us the means of carrying on a just and necessary war by an addition to the taxation of the country reaching to the sum of 10,000,000*l.* We say, Sir, that that is not an unreasonable effort to make. We have laid our policy before you; we have defended ourselves against the charges and the imputations that have been thrown upon us. And surely we ask for nothing unreasonable when we refer you back to the standard of 1798? Why can you not do that in 1854 which your fathers did in 1798? Can you not do now what Mr. Pitt and the English of that day could do then? What were their means as compared with ours? Their population was only half the population of the present day; the imports were one-quarter of the imports of the present day; the export trade of the country was not one-third of that of the present day—for where they had an export trade amounting to more than 33,000,000*l.*, you have now an export trade of 98,000,000*l.*; and such is the indomitable vigour, and such the wonderful elasticity of our trade, that, even under the disadvantage of a bad harvest, and under the pressure of an European war, the exports from day to day, and almost from hour to hour, are increasing —nay, the very last papers laid on the table within forty-eight hours show that within the first three months of the year there is an increase of 1,000,000*l.* in your exports to foreign countries.

The right hon. Gentleman concluded: Such, Sir, is our case. It is on these grounds that we make our appeal to you. I am satisfied that you will consider it both a just and a reasonable appeal. We leave it in your hands with confidence, being perfectly convinced that the Parliament and the people of this country will grudge no effort and withhold no sacrifice which honour and duty may demand.

MR. DISRAELI: I cannot consent to the passing of the Resolutions without a more distinct arrangement than has at present been made for the future discussion of the general question. We have had tonight a very large proposition made by Her Majesty's Ministers, involving a considerable amount of annual taxation upon the country. Indeed, some of the taxation proposed is to be much more than annual—it is to be of a permanent character. We have also had a plan proposed of an "interim" finance, which will require great consideration. In almost every instance that I am aware of, when a great scheme of taxation has been brought before the consideration of the House, a fair opportunity has been given for the country to consider it. I, therefore, think it most unreasonable, after a statement of several hours long from the Chancellor of the Exchequer, that the House of Commons should be called upon to give its decisions upon the measures which have been submitted to it. I shall, consequently, feel it to be my duty to oppose our proceeding at present with the business before us, and to call upon the Government to fix a day upon which we may take into consideration the whole scheme that has been submitted to us—

THE CHANCELLOR OF THE EXCHEQUER thought he must have failed to express his meaning properly, if it was supposed he intended to proceed immediately in any manner that would commit the judgment of Parliament. It had, however, always been usual with respect to levying duties upon articles of consumption to pursue a particular course, which was dictated by obvious motives of convenience—it was this, that the House should pass such Resolutions at once; and he believed that at no period in our history had a contrary course been pursued, with the single exception of the case of his own blunder, which he had already mentioned, with regard to spirits in 1853. If authority was not at once given to the revenue officers to raise the charges upon the whole stock in bond, pretty nearly a whole year's receipt would be entirely lost. It was, therefore, material that hon. Gentlemen should understand this. By agreeing to these Resolutions now, no Gentleman would be committed by the preliminary Motion; they would still have the opportunity of discussion; but the passing of the Resolution, with regard to the spirits, was a matter of practical convenience and importance.

MR. DISRAELI thought that the right hon. Gentleman had evaded the question. There was no doubt that precedents could be shown in favour of the immediately passing of a certain class of Votes, and he (Mr. Disraeli) would have found no difficulty in consenting to this, had the Chancellor of the Exchequer, at the same time that he had asked them to pass the Resolutions, stated when the House would be afforded the opportunity of fully discussing the matter.

THE CHANCELLOR OF THE EXCHEQUER agreed with the right hon. Gentleman, and he proposed now to take the first class of Votes, relating to spirits, malt, and sugar; and, although there was no such extreme necessity as regarded the Exchequer bonds and bills, still it always had been the practice of the House to pass such Votes, and he hoped the House would adopt such a mode of proceeding on the present occasion.

MR. DISRAELI repeated that these Resolutions would involve considerable discussion.

LORD JOHN RUSSELL said, the right hon. Gentleman might fix any time for the discussion that he thought fit.

MR. DISRAELI: This day week, then. Will that suit the convenience of the noble Lord?

LORD JOHN RUSSELL: Perfectly. Then let it be this day week.

MR. T. BARING could not allow these Resolutions to pass without calling the attention of the Chancellor of the Exchequer to the fact, that an agreement had been made with the colonial growers of sugar, by which the equalisation of the sugar duties was not to take place until the 5th of July. He had not the Resolution before him to which the House was now asked to assent, but he understood that the right hon. Gentleman the Chancellor of the Exchequer proposed that the equalisation should take place from to-morrow. Now, would that be consistent with the agreement which had been come to with the colonial interest, which was that there should be no equalisation of the duty before the 5th of July? By the Resolution of the right hon. Gentleman, as he understood it—and he should be set right if he gave an incorrect interpretation of it—the lowest duty to be paid on sugar from to-morrow was to be 11*s.* per cwt. At present colonial sugar paid 10*s.* per cwt., and foreign sugar paid 12*s.*; and the Resolution raised the duty on colonial sugar 1*s.* per cwt., and reduced the duty upon foreign sugar by the same amount. If this were so, he thought the colonial interest would have great reason to complain.

THE CHANCELLOR OF THE EXCHEQUER was understood to admit that there was certainly some force in the observations which the hon. Gentleman had made, and that the point had been overlooked in the exigency of preparing the Resolutions. He should be prepared, however, to make such arrangements as he hoped would be satisfactory, and remove all just ground of complaint.

MR. T. BARING asked whether this did not suggest to the right hon. Gentleman the desirableness of some pause between the laying of such Resolutions on the table of the House and their adoption?

THE CHANCELLOR OF THE EXCHEQUER said, that such a pause would be going against the uniform course of precedent, would give extensive facilities for evasion, and would introduce utter confusion into the collection of the revenue.

MR. HUME had never known duties upon spirits, and upon other articles of that kind, proposed without the Resolutions being immediately agreed to, because the duties took effect from the very day that the Resolutions were passed. But the right hon. Gentleman had very truly stated that their assent to those Resolutions did not at all fetter the future discretion of the House; for he had himself known instances in which money had been collected by the officers of the revenue immediately upon such Resolutions being thus formally agreed to, and afterwards returned to the parties in consequence of the final sanction of Parliament not having been obtained. He thought, therefore, that the passing of the Resolutions with respect to malt and spirits would be perfectly correct; but as there was an Act of Parliament existing which provided that the present sugar duties should remain until the 5th of July, he entertained very great doubt whether they were not prevented from interfering with these duties until that time.

MR. E. BALL trusted that the House would pause before it sanctioned so considerable an addition to the malt duty as that which was now proposed. He should have thought that the fact which the right hon. Gentleman had stated, that the last harvest had been the worst that had been known in this country since the year 1816, would have induced him to consider kindly the position in which the farmer was placed, and to regard him as one of the first parties in the country entitled to claim his consideration. Last year he (Mr. Ball) had brought forward a Motion to abate the duty upom malt which the farmer himself consumed, and he believed that but for a manœuvre, he should have accomplished that object. He had been considering the propriety of renewing that Motion this Session, and he had only decided to abandon it because he had thought that, as the country was about to enter upon war, it was useless to expect the Chancellor of the Exchequer to make any abatement of taxation. Now, however, that it was proposed to increase the malt tax, he thought that the question had assumed altogether a different aspect. He thought it most cruel and injurious that the farmers should be the portion of the community now called upon to bear the greatest part of the burden of taxation. The position of the trading interests, as shown from the Board of Trade returns, from which it appeared that the exports of the country during the last three months had exceeded those of the corresponding period of last year, ought also to have had some weight in influencing the right hon. Gentleman's decision. He did not know what the feeling of hon. Members generally might be; but if he were supported by the House, he would not consent to passing a Resolution by which the duty on malt would be so greatly increased. He had hoped, by lowering the duty, to gain a great moral advantage, by preventing people from going to the beer-houses; and he could not but think the proposition to raise the duty would be hurtful both to the farmer and to the morality of the community at large.

THE CHANCELLOR OF THE EXCHEQUER said, perhaps the best mode of meeting the demand of the hon. Gentleman opposite (Mr. Baring) would be to move an addition (15 per cent) to the duties, both upon foreign and colonial sugars, for the period between this and the 5th of July, and to allow the modification proposed by the Resolution now before the House to take effect from this latter date.

MR. HUME expressed a doubt whether this would not be a breach of faith.

MR. VANCE attributed the success of the measure adopted last year of imposing an additional duty upon Irish spirits, to the unfavourable state of the harvest, and expressed his conviction that if the harvest this year should be a full one, there would be a large diminution of the duty. It was the practice of the Irish barley-growers, when the price of grain was high, to sell it, instead of distilling it; but if, as he hoped would be the case, barley should now become cheap, they would resort to their old practice of distillation; and the distillers, who were licensed by the Crown, and who paid duty to the Crown, would be placed at extreme disadvantage. This had been found to be the case, looking at the history of the spirit duties during a great number of years; and, if they pushed the duty too high, illicit distillation would be sure to be carried on to a very great extent, unless it happened to be a year of very high prices.

MR. BENTINCK expressed his concurrence in the observations of the hon. Gentleman the Member for Cambridgeshire, upon that part of the propositions of the Chancellor of the Exchequer which had reference to the malt tax. A more unjust and monstrous proposition was never made in that House. He would not go into the details of the question, but he would take the right hon. Gentleman on his showing. The right hon. Gentleman had said that he wished that all classes of the community should bear their fair share of the expenses of war, undertaken for the general good. That was a perfectly fair statement; but how did the right hon. Gentleman propose to act upon it? He proposed to raise 6,800,000*l.*, out of which he proposed to take 2,450,000*l.*, not only from one class, but from a very small class of the community—a class, too, which had not been particularly favoured by the Legislature of late years. Recent financial measures had been characterised by the most determined and malignant hostility to the agricultural interest; and he trusted that the House would not consent to what might be most justly stigmatised as a measure of spoliation.

MR. W. WILLIAMS said, he intended to propose, either as a Resolution or as an Amendment to the Resolutions of the Chancellor of the Exchequer, that the succession duties should be paid at the end of six months after the succession, instead of, as at present, within four years and a half. He should also propose that the same probate duty should be paid upon succession to real as upon succession to personal estate; and that the probate and legacy duties should be imposed upon corporate and ecclesiastical property in the same proportion as upon property of all other descriptions. The adoption of this proposition would place the Chancellor of the Exchequer in possession of 3,000,000*l.* in the course of the next twelve months in aid of the expenses of the war.

MR. CRAUFURD called the attention of the House to the mode in which the spirit duties were levied in Scotland. The present system operated most injuriously in the case of the malt distillers, who had been obliged—in the constituency which he himself represented—to discontinue distillation during the present month instead of going on as had been usual until July. The malt distillers would be quite content if the duty of 5*s.* 4*d.* per gallon were levied entirely upon the spirit itself; but the practice now adopted, of charging 4*s.* 8*d.* per gallon on the spirit, and 8*d.* per gallon on the malt, was a practice very much to their disadvantage as compared with the distillers from raw grain.

Resolved—

"1. That, towards raising the Supply granted to Her Majesty, on and after the 8th day of May, 1854, in lieu of the countervailing duties now chargeable under any Act or Acts in force on spirits of the nature or quality of plain British spirits manufactured or distilled in the islands of Guernsey, Jersey, Alderney, and Sark, respectively, and imported from any of the said islands into Scotland or Ireland, there shall be charged and paid the following countervailing duties; that is to say—

"For and upon every gallon of such last-mentioned spirits of the strength of hydrometer proof, imported into Scotland, the sum of 6*s.* 10*d.*; and for and upon every gallon of such last-mentioned spirits of the like strength imported into Ireland, the sum of 5*s.* 2*d.*; and so in proportion for any greater or less degree of strength, or any greater or less quantity of such spirits imported into Scotland and Ireland respectively."

Resolved—

"2. That, towards raising the Supply granted to Her Majesty, in lieu of the respective duties of Excise now payable under any Act or Acts in force upon the several mixtures, compounds, preparations, and commodities mentioned and described in the Schedule (A) hereto annexed, on the removal of the same respectively as hereinafter mentioned, there shall be raised, levied, collected and paid upon the said several mixtures, compounds, preparations, and commodities which on or after the 8th day of May, 1854, shall be removed from Scotland or Ireland to England, or from Ireland to Scotland, the several sums of money and duties of Excise respectively inserted, described and set forth in the said Schedule."

SCHEDULE (A.)

Articles enumerated. For every Gallon thereof removed.	Countervailing Duties.		
	From Scotland to England.	From Ireland to England.	From Ireland to Scotland.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
Ether	0 5 5	0 9 7	0 4 2
Sweet Spirits of Nitre	0 3 3	0 5 9	0 2 6
Camphorated Spirits			
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients			
Compound Spirits of Lavender			
Spirits of Rosemary			
Spirits of Ammonia			
Sal Volatile			
Friar's Balsam			
Compound Tincture of Benzoin			
Tincture of Assafœtida			
Tincture of Castor			
Tincture of Kino			
Tincture of Guiacum			
Tincture of Myrrh			
Tincture of Ginger			
Spirit Varnishes			
Other Tinctures and Medicated Spirits	0 2 2	0 3 10	0 1 8
Made Wines	0 0 3¼	0 0 5½	0 0 2½

Resolved—

"3. That there shall be made, allowed, and paid for or in respect of the several goods and commodities hereinafter described or mentioned, the several Allowances and Drawbacks of Excise respectively hereinafter specified and set forth." [They are then set forth at length.]

On the Resolution relative to the Malt Duties,

Mr. BUCK protested against it, as hostile to the landed interest.

Mr. SPOONER hoped that, in agreeing to this Resolution, he should not be supposed to agree in the policy of raising the expenditure of the year within the year. He thought the Chancellor of the Exchequer ought to raise a loan. ["Oh!"] It was easy to say "Oh," but the Chancellor of the Exchequer would be compelled to do it, and under much worse circumstances. He believed it would be sound policy to raise a loan.

Lord JOHN RUSSELL said, that the whole question, as well as particular Votes, might be raised when the subject again came on for discussion. If Parliament should refuse to confirm the Resolution the money raised would be returned to those who had paid the increased duties.

Mr. SPOONER: Yes, but the consumer will suffer. The price of these articles will be raised to-morrow, and you cannot return the money to him.

Resolved—

"4. That, towards raising the Supply granted to Her Majesty, there shall be charged, raised, levied, collected, and paid, upon the several goods and commodities hereinafter mentioned and described, the several duties of Excise respectively specified and set forth (that is to say)—

MALT.

"For and upon every bushel Imperial standard measure, and so in proportion for any greater or less quantity of malt, which after the 8th day of May, 1854, shall be made in any part of the United Kingdom of Great Britain and Ireland, from barley or any other corn or grain (except malt made for home consumption in Scotland and Ireland respectively from bear or bigg only), or which after the said day shall be brought from Scotland into England or Ireland without a certificate from the proper officer that it hath paid the full duty of Excise imposed thereon by law, or which after the said day shall be brought from Ireland into England or Scotland without such certificate, the duty of 4*s.* in lieu of all other duties of Excise now payable under any Act or Acts now in force.

"And for and upon every bushel Imperial standard measure, and so on in proportion for any greater or less quantity of malt which after the said day shall be made from bear or bigg only in Scotland and Ireland respectively, the duty of 3*s.* 1*d.*, in lieu of all such other duties of Excise as aforesaid.

"And for and upon every bushel of malt, whether ground or unground, belonging to any maltster, or maker of malt, dealer in or seller or retailer or roaster of malt, brewer, distiller, or vinegar maker, and which on the 8th day of May, 1854, shall be either in his custody or possession, or in the custody or possession of any other person in trust for him, or for his use, benefit, or account, in England, Scotland, or Ireland, the following additional duty over and above all other duties of Excise paid or payable thereon under any Act or Acts now in force (that is to say), an additional duty after the rate of 1*s.* 3½*d.* per bushel.

Provided always, that if such last-mentioned malt shall be in Scotland or Ireland, and shall have been made for home consumption there from bear or bigg only, then an additional duty after the rate of 1*s.* per bushel only.

Resolved—

"5. That, towards raising the Supply granted to Her Majesty, there shall be charged and paid on the articles under mentioned, imported into Scotland or Ireland on or after the 8th day of May, 1854, the duties of Customs hereinafter specified, in lieu of the duties now chargeable thereon.

"Spirits or Strong Waters—For every gallon of such spirits or strong waters of any strength not exceeding the strength of proof by Sykes's hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon, viz., spirits or strong waters, the produce of any British possession in America, or the Island of Mauritius, not being sweetened spirits or spirits mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by such hydrometer.

	Duty per Gallon.		
Rum—			
If imported into Scotland	£0	6	0
If imported into Ireland . .	0	4	4
Spirits other than Rum—			
If imported into Scotland .	0	6	0
If imported into Ireland . .	0	4	4

Rum—The produce of any British possession within the limits of the East India Company's Charter, in regard to which the conditions of the Act 4 *Vic.* c. 8, have, or shall have, been fulfilled, not being sweetened spirits, or spirits so mixed as aforesaid.

If imported into Scotland	£0	6	0
If imported into Ireland . .	0	4	4

Rum Shrub, however sweetened—The produce of and imported from, such possessions qualified as aforesaid, or of or from any British possession in America or the Island of Mauritius.

If imported into Scotland	£0	6	0
If imported into Ireland . .	0	4	4

Resolved—

"6. That, towards raising the Supply granted to Her Majesty, there shall be raised, levied, collected, and paid on and after the 9th day of May, 1854, an additional duty after the rate of fifteen pounds per centum upon the produce and amount of the duties of Customs upon Sugar, which are now due and payable to Her Majesty, and are collected in the United Kingdom under the management and direction of the Commissioners of Her Majesty's Customs."

Resolutions to be reported *To-morrow*, at half after Four o'clock.

The CHANCELLOR of the EXCHEQUER said, the Resolutions with respect to the income tax and the stamp duties might of course stand over; but with respect to the Exchequer bonds he trusted the House would not object to take the first, which authorised the completion of the contract for the sum of 2,000,000*l.*, for the whole, or nearly the whole, of which the tenders had been received, and those which related to the payment of the interest, and to the instalments by which the amount should be paid up. He proposed to drop for the present evening the Resolutions which related to the other series of bonds, and to the issue of Exchequer bills.

Mr. DISRAELI had understood the right hon. Gentleman to say that he would not press these Resolutions to-night. It would lead to a very long discussion—a discussion in which the merits of the scheme on other points would be involved, and would involve very great inconvenience.

Lord JOHN RUSSELL apprehended that it would give a very bad impression out of doors if, the Chancellor of the Exchequer having entered upon a contract, the House were to refuse to agree to the Resolutions. If the House were not prepared to sanction a contract of this nature, it would be injurious to the public service, and a departure from all precedent.

Mr. DISRAELI said, that if this Resolution were to be passed without reference to the rest of the scheme of the Chancellor of the Exchequer, he should feel it his duty to propose some words by way of amendment, which, while agreeing to the Resolution now before the House, would not sanction it as a general practice. At the same time, as connected with the taxes which the right hon. Gentleman had proposed, it might have another aspect. They were not, however, coming to that point at present; but it seemed to him that if the House were asked to sanction this Resolution by itself, it was asked to sanction the raising of a loan by a process which he thought was very false in principle. He did not think the suggestion of possible injury to the public credit, from the postponement of the Resolution for the present, was entitled to any great weight. No one supposed that public credit would be injured by the course which he proposed. It might as well be argued that they were doing an injury to public credit, because they did not at once vote all the taxes for which the right hon. Gentleman had asked to-night, although they had agreed to vote a supply to Her Majesty. It was quite certain that if the Government pressed this question it would lead to a very long discussion, and perhaps an adjourned debate, and would very materially invite general discussion, which the noble Lord had expressed his willingness should take place.

MR. GLYN said, an immediate decision was necessary, as money had been paid into the Bank of England to the account of the bonds that morning.

MR. HUME wished to know what authority the Chancellor of the Exchequer had to raise a loan in that way, without first coming to Parliament for authority to do so? He agreed that it would be better not to go into the discussion now; but he was himself disposed to think that a better mode of raising money might have been adopted than that which had been adopted in this instance, without the knowledge or sanction of Parliament.

SIR CHARLES WOOD said, the invariable practice, when loans were to be raised, was that which had been adopted in this case. The Chancellor of the Exchequer and the First Lord of the Treasury called for tenders, and upon those tenders entered into contracts, subject to the subsequent sanction of Parliament. It was quite incorrect to say that the authority of Parliament was, or ever had been, given beforehand.

MR. SPOONER said, he should like to hear whether the first instalment of a loan had ever been received before Parliament had sanctioned it.

THE CHANCELLOR OF THE EXCHEQUER said, he did not think that the question of deposit was important, because it did not affect the contract. The practice had been to ask for deposit, and also to take a deposit—he could not say whether uniformly as to the latter—before the vote of Parliament. Undoubtedly, the Government had always hitherto proceeded, in matters of this kind, to take the first steps upon its own responsibility; and, having made a contract on its own responsibility, had brought that contract to Parliament for its adoption or rejection. Parliament was perfectly free, if it thought fit, to reject the contract; but the uniform and invariable practice of Parliament had been to adopt it, or reject it, there and then. Parliament had never admitted the principle of allowing a contract of that kind to remain in suspense. It had uniformly given its vote at the first moment upon which the contract had been stated to it; and the only point upon which there had been a deviation from the practice had been this, that upon the present occasion papers making Members acquainted with the Resolutions to be moved, had been circulated in the course of the day; whereas upon every previous occasion the Chancellor of the Exchequer had brought them down with him, and they were for the first time brought under the knowledge of the House in his speech. The vote of the House was then given upon them. That had been the course which Parliament had invariably taken, and he thought it ought not to be lightly departed from. It was open to the House to censure the Government if they thought the Government had gone wrong; they were perfectly free to reject the Resolution, if they pleased; but they were bound, according to the practice, to accept or reject it without postponement of the debate.

MR. HUME said, without disputing the power of the First Lord of the Treasury and the Chancellor of the Exchequer to call for tenders, he must say that he had never heard of any payment being made, on any such contract, until the sanction of Parliament had been obtained. The rule had been to advertise the tenders, and to open the tenders in the presence of those who had in their hands the price which the Government were willing to give. The tenders given in were afterwards published. He understood that this practice had now been departed from. To this hour the public did not know what tenders had been given in or who had tendered. Publicity in these cases was of great importance, and when they deviated from the general rule they were sure to go wrong.

THE CHANCELLOR OF THE EXCHEQUER then moved the first Resolution, authorising the issue of the Exchequer bonds in series A.

MR. DISRAELI would move that the Resolution be postponed. The precedent quoted by the President of the India Board (Sir C. Wood) did not apply to the present case, for there existed the great difference noticed by the hon. Member for Montrose. In the case of the loan of 1847, there was no departure from the proper course, as the Minister did not take any step till he had received the authority of Parliament.

SIR CHARLES WOOD said, he had just been informed by the Comptroller of the National Debt (Sir A. Spearman) that the usual practice was to pay the deposit on signing the contract. When Lord Monteagle, when Chancellor of the Exchequer, contracted a loan, Exchequer bills were sent in with the tenders, and there was no case in which money was not paid on signing the contract.

MR. DISRAELI did not press the fact of the deposit. He did not rest his objection on that; but there was no identity or analogy between the usual instances of raising money on loans, and the present case. In this case the Minister not only tries to raise the money, but agrees to pay it off on a certain day; and has to come forward and propose taxes to enable him to carry out his engagements, as the right hon. Gentleman has done. The consequence was, they were called on to sanction a Resolution at that moment which pledged them to the whole scheme. He thought that the system of raising money by loan, and fixing a day on which it was to be repaid, was a most dangerous one, which the House ought not to sanction with the precipitation that was now proposed. He felt it his duty not to agree to a vote which would sanction this; but as he did not wish to create embarrassment, he would only ask to have the question postponed until the House had an opportunity of considering the whole question.

THE CHANCELLOR OF THE EXCHEQUER rose to reply to the question of the hon. Member for Montrose, as to the deviation from the former practice. There was a difficulty in ascertaining what the former practice had been, for it was a strange fact that there was no record in the Treasury, or in any other Government Department, of the mode of conducting these matters. They were entirely dependant on the memory of official persons. The hon. Gentleman was right in saying that the usual practice had been to open the tenders in the presence of the parties; but in this case, as tenders were invited for sums as low as 1,000*l.*, great inconvenience must have ensued if all the parties had been invited to be present. The tenders were therefore opened in the presence of the Governor and Deputy Governor of the Bank, and the result was communicated to the parties the next morning. He had no intention to take the matter out of the control of the House. The contract was made on his own responsibility and that of the First Lord of the Treasury. The parties who tendered had taken the risk on themselves, as the House was in no way bound to ratify the contract. But he should say that there was no instance on record in which the House had declined to give judgment, on the proposal of the Minister, the moment it was laid before them, and he trusted the House would not now depart from the usual course.

MR. T. BARING would not throw any impediment in the way; but he must say that he thought the right hon. Gentleman might, without any injury to the public service, have adopted the ordinary course of proceeding, and have taken the sense of the House. If that had been done, in the course of the discussion some suggestions might have been thrown out which would have facilitated the operations of the Government. The right hon. Gentleman was fond of referring to the precedent of France, but he had taken the opposite course to that pursued there; the French Government had raised a loan by public subscription, but they had first obtained the sanction of the Legislative Body. The right hon. Gentleman had adopted a different view as to his responsibility, and had consulted the public first and the House afterwards, and he was sorry to say his success had been as different. The loan in France was most successful.

THE CHANCELLOR OF THE EXCHEQUER did not propose to ask the sanction of any portion of the contract on which the deposit had not been paid; there was a small residue, not taken up, but he would not enter into any new contract under the present Resolution.

Mr. HILDYARD begged the House to consider whether by passing this mere formal vote they did not exclude themselves as to the merits. The right hon. Gentleman admitted that they were not bound to accede to the terms made by Government; therefore a vote sanctioning them could not be a mere formal vote. He must confess that even if the precedents were as stated, he thought it was time to establish a precedent to the contrary. The parties who had paid their deposits that morning would not be prejudiced, for if the House ratified the terms, of course the vote would refer back to the time.

Lord JOHN RUSSELL said, it was quite wrong to imagine that the question then before the House went at all to the merits of the manner in which the money was proposed to be raised. The House might be of opinion that the mode was a bad one; but that was a different question from the formal one, whether they would depart from all former precedent, and not give effect to a contract made by the Minister especially authorised for that purpose. It might be a question whether it would be expedient for the House to depart on this occasion from all former precedents—a mode of procedure against which he earnestly protested as being both unnecessary and dangerous. If they would agree to the Resolution, they would have an opportunity to discuss the merits on Monday. He would propose that the Resolution should be reported at half-past four to-morrow. The Chancellor of the Exchequer would then introduce the Bills founded on them, and on Monday the whole plan of the Government would be brought under the consideration of the House. It would be very inconvenient to enter into the merits of the Resolution at that moment.

Mr. DISRAELI assented to the proposed arrangement.

Sir HENRY WILLOUGHBY thought the Committee was placed in a difficult position by the course adopted by the Chancellor of the Exchequer, who on the 11th of April had told them that he did not intend to propose any addition to the unfunded debt. He thought the House ought to have had an opportunity of expressing its opinion on this new scheme of raising money on Exchequer bonds to be repaid at short periods, before the Chancellor had proposed his plan.

Resolved—

1 "That, towards raising the Supply granted to Her Majesty, the Commissioners of Her Majesty's Treasury be authorised to issue Exchequer Bonds bearing interest at 3*l.* 10*s.* per centum per annum, to be paid off at par on 8th May 1858, for any sums not exceeding in the whole 2,000,000*l.*, which may have been subscribed for at a price not less than 98*l.* 15*s.* per centum to be paid in Exchequer Bills at par or in money at 100*l.* 1*s.* for every 100*l.* so subscribed."

Resolved—

2. "That the interest for all such Exchequer Bonds shall be payable half-yearly, and shall be charged upon and issued out of the growing produce of the Consolidated Fund of the United Kingdom."

Resolved—

3. "That such parties as have subscribed for any such Exchequer Bonds, and shall have made a deposit of 10*l.* per centum on the 8th May instant, and shall pay the further instalments in completion of the price at the following times, viz.—

30*l.* per centum on the 9th June next;
20*l.* per centum on the 11th July next;
20*l.* per centum on the 8th September next;

And the remaining 20*l.* on the 17th October next, shall, on completing such payments be entitled to the Bonds for which they have severally subscribed; and that interest at the rate of 3*l.* 10*s.* per centum per annum, from the day of payment up to the respective days on which the instalments fall due, shall be paid to such parties as shall desire to pay the instalments at an earlier period."

Resolutions to be reported on *Monday* next.

Committee to sit again on *Wednesday.*

House resumed.

MANNING THE NAVY BILL.

Sir JAMES GRAHAM, in moving for leave to bring in a Bill for the Encouragement of Seamen, and the more effectual manning of Her Majesty's Navy during the present war, said, that the high-sounding title of the Bill might have excited feelings of expectation on the part of the House which he feared would meet with disappointment. This, however, was the invariable title of the Prize Act introduced at the commencement of war. The Bill was limited to the duration of the war, and was exactly similar to all former Prize Acts, with this exception—that the scale of distribution of prize money was that announced in Her Majesty's Proclamation, giving a much larger share to the common men, and a much smaller one to the admirals and superior officers. There was also a new provision rendered necessary by the fact that we now had a maritime ally, and that it was, of course, requisite to make provision for prizes taken by joint capture. With regard to the second Bill, that was of a more permanent character.

SIR GEORGE PECHELL hoped the right hon. Gentleman would give his attention to the subject of bounties.

After a few remarks from Mr. OTWAY and Sir G. TYLER,

CAPTAIN SCOBELL was disappointed at the Bill not being so comprehensive as its title seemed to indicate, but approved the arrangements that were to be made with regard to prize money.

Leave given; Bill *ordered* to be brought in by Sir James Graham, Mr. Osborne, and Mr. Cowper.

Bill read 1°.

The House adjourned at a quarter before Twelve o'clock.

INDEX.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXXII.

BEING THE THIRD VOLUME OF SESSION 1854.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of (First Lord of the Treasury)
- Business of the House, Res. 1189
- Cambridge University Reform, 490, 491
- County Court Fees, 832
- Humiliation and Prayer, Day of, 139
- Justice, Administration of (Ireland), Papers moved for, 1399, 1403
- Parliamentary Reform, Postponement of, 835
- Russia, War with—Her Majesty's Message, Address moved, 167, 174
- Scottish Rights, Address moved, 507, 510
- Settlement and Removal, 1184, 1187

ACLAND, Sir T. D., *Devonshire, N.*
- Arctic Expedition, Papers moved for, 437

ADDERLEY, Mr. C. B., *Staffordshire, N.*
- Colonial Clergy Disabilities, Com. *cl.* 1, 793, 807
- Middlesex Industrial Schools, 2R. 446

Administration of Justice (Ireland),
- *l.* Papers moved for (Marquess of Westmeath), 1395

ADVOCATE, The LORD (Rt. Hon. J. Moncreiff), *Leith, &c.*
- Criminal Procedure, Leave, 435
- Education (Scotland), 2R. 441
- Witnesses, 2R. 1171

AGLIONBY, Mr. H. A., *Cockermouth*
- Bribery, &c., at Elections, Com. *cl.* 5, 350; *cl.* 6, 355
- Criminal Procedure, Leave, 431, 436
- North London Railway, 3R. 332

ALBEMARLE, Earl of
- India—Municipal Institutions for Calcutta, 1037

Arbitration Law Amendment Bill,
- *l.* 2R. 491

Arctic Expedition,
- *c.* Papers moved for (Sir T. Acland), 437

ARGYLL, Duke of (Lord Privy Seal)
- Income Tax, Com. 1078, 1080, 1081, 1087, 1089; 3R. 1180, 1182
- Russia, War with—Operations in the Black Sea, 1303
- Scottish Rights, Address moved, 514, 522

Army,
- *Administration of the, l.* Papers moved for (Earl Grey), 606
- *Estimates, c.* 1375
- *Military Asylum, c.* Address moved (Mr. Oliveira), 1276; Motion withdrawn, 1281
- *Military Rewards, c.* Question (Major Wynn), 1308
- *Soldiers' Wives, &c., l.* Returns moved for (Lord St. Leonards), 367;
- *c.* Returns moved for (Col. Harcourt), 66

Assessment, Uniform, Bill,
c. 2R. 464; Amend. (Mr. V. Scully), 466; Bill withdrawn, 467

Atherton, Mr. W., *Durham, City*
Oxford University, Com. *cl.* 4, 1134, 1137
Railway and Canal Traffic, Com. 1241; *cl.* 2, 1390; *cl.* 3, 1391

Attorney General, The (Sir A. E. Cockburn), *Southampton*
Criminal Conversation, 2R. 1206
Declarations, 2R. Amend. 1210
Neutrals, Rights of, 63, 64
Public Prosecutors, Bill withdrawn, 1170
Witnesses, 2R. 1170

Baillie, Mr. H. J., *Inverness-shire*
Arran, Postal Communication with, Address moved, 425
Navy Estimates, 1321
Russia, War with—Operations in the Black Sea, 1031
Slave Trade, Address moved, 428
Stonor, Mr., Appointment of, Com. moved for, 551, 569

Baines, Rt. Hon. M. T. (Chief Commissioner of the Poor Laws), *Leeds*
Resignation—Explanation, 72

Ball, Mr. E., *Cambridgeshire*
Financial Statement—Ways and Means, 1482

Ball, Mr. J., *Carlow*
Conventual and Monastic Institutions, Com. 127
Russia, War with—Her Majesty's Message, Address moved, 267

Bankes, Rt. Hon. G., *Dorsetshire*
Criminal Procedure, Leave, 435
Navy Estimates, 1331

Bankruptcy and Insolvency (Scotland) Bill,
l. 2R. 819;
Petition (Lord Chancellor), 1173;
Explanation (Lord Brougham), 1220;
Petition (Earl of Eglinton), 1393

Baring, Rt. Hon. Sir F. T., *Portsmouth*
Arran, Postal Communication with, Address moved, 425

Baring, Mr. T., *Huntingdon*
Financial Statement, 899, 905;—Ways and Means, 1480, 1481, 1492

Barnstaple Bribery Prevention Bill,
c. 1R.* 836

Barrow, Mr. W. H., *Nottinghamshire, S.*
Criminal Procedure, Leave, 436
North London Railway, 3R. 332

Beaumont, Lord
Business of the House, 1189
Russia, War with—The German Powers, 814
Settlement and Removal, 1187

Bellew, Mr. T. A., *Galway Co.*
Arran, Postal Communication with, Address moved, 424
Conventual and Monastic Institutions, Com. 133

Benefices Augmentation Bill,
l. 2R.* 484

Bentinck, Mr. J. W. P., *Norfolk, W.*
Financial Statement—Ways and Means, 1483
Railway and Canal Traffic, Com. 1241

Berners, Lord
Settlement and Removal, 1182, 1185

Bethell, Sir R., *see* Solicitor General, The

Bills of Exchange Bill,
l. 2R. 359

Bills of Sale, Registration of, Bill,
c. 2R.* 198

Births, &c., Registration of, (Scotland) Bill,
c. Leave, 569; 1R.* 672

Blackett, Mr. J. F. B., *Newcastle-on-Tyne*
Oxford University, 2R. 694; Com. 985; *cl.* 1, 1112

Blandford, Marquess of, *Woodstock*
Carlisle Canonries, 2R. 1215
Episcopal and Capitular Estates, 2R. 1, 49, 54
Public Business—Orders of the Day, 1408

Booker, Mr. T. W., *Herefordshire*
Bribery, &c., at Elections, Com. *cl.* 6, 357, 358

Boundary Survey (Ireland), Bill,
c. 1R.* 522; 2R.* 784; 3R.* 1407

Bouverie, Hon. E. P. (Chairman of Committees), *Kilmarnock, &c.*
North London Railway, 3R. 327

Bowyer, Mr. G., *Dundalk*
Criminal Conversation, Leave, 418; 2R. 1197, 1206, 1208
Mortmain, 2R. 1190
Roman Catholic Sailors, 1412
Stonor, Mr., Appointment of, Com. moved for, 542

Bribery, &c., at Elections Bill,
c. Com. 336; Amend. (Rt. Hon. R. V. Smith), 340, [*o. q.* A. 146, N. 76, M. 70] 348;
cl. 5, 348; Amend. (Rt. Hon. S. H. Walpole), 352;
cl. 6, 354

BRIGHT, Mr. J., *Manchester*
Greece and Turkey, Relations of, 524, 1007
Indian Budget, 784, 785
Libraries and Museums, Public, 2R. 461
Oxford University, Com. 978
Payment of Wages, Com. 877
Reform, Parliamentary, Postponement of, 847
Russia, War with—Her Majesty's Message, Address moved, 243

BROTHERTON, Mr. J., *Salford*
Libraries and Museums, Public, 2R. 456

BROUGHAM, Lord
Arbitration Law Amendment, 2R. 491, 496
Bankruptcy and Insolvency (Scotland), 2R. 819, 825, 830, 831, 1174; Explanation, 1221, 1393, 1395
Bills of Exchange, 2R. 359, 364
County Court Fees, 831, 833
Criminal Law—Petty Offences, 57
Income Tax, Com. 1045; 3R. 1182
Justice, Administration of (Ireland), Papers moved for, 1406
Real Property, Conveyance of, Act Amendment, 1R. 780, 781
Russia, War with—Her Majesty's Message, Address moved, 185
Testamentary Jurisdiction, Com. 62

BROWN, Mr. W., *Lancashire, S.*
Libraries and Museums, Public, 2R. 463

BRUCE, Mr. C. L. C., *Elgin and Nairne*
Education (Scotland), 2R. 442

BUCK, Mr. L. W., *Devonshire, N.*
Financial Statement—Ways and Means, 1485

Budget, The—Financial Statement,
c. Motion (Chancellor of the Exchequer), 878

BULLER, Sir J. Y., *Devonshire, S.*
Militia, Leave, 1172, 1173

Burgh Boundaries (Scotland) Bill,
c. 1R.* 443

Business of the House,
l. Res. (Lord Redesdale), 1188
c. Motion (Lord J. Russell), 872

Business, Public—Standing Orders,
c. Motion (Lord J. Russell), 1309;—*Orders of the Day*, Motion (Lord J. Russell), 1407; Amend. (Mr. Frewen), 1408; Amend. and Motion withdrawn, 1412

BUTT, Mr. G. M., *Weymouth*
Assessment, Uniform, 2R. 467
Bribery, &c., at Elections, Com. *cl.* 5, 350, 351, 352
Colonial Clergy Disabilities, Com. *cl.* 1, 813
County Court Extension, 2R. 467, 468
Libraries and Museums, Public, 2R. 459
Middlesex Industrial Schools, 2R. 445
Railway and Canal Traffic, Com. *cl.* 3, 1391

BUTT, Mr. I., *Youghall*
Bribery, &c., at Elections, Com. 346; *cl.* 5, 350, 351, 354
Dublin University, Leave, 412
Emigration Depôt (Ireland), 579, 584
Witnesses, 2R. 1171

BYNG, Hon. G. C. H., *Tavistock*
Oxford University, 2R. 680

Cambridge Bribery Prevention Bill,
c. 1R.* 836

Cambridge University Reform,
l. Question (Lord Lyndhurst), 490

CAMPBELL, Lord
Arbitration Law Amendment, 2R. 495
Bankruptcy and Insolvency, 1221, 1395
Bills of Exchange, 2R. 363
County Court Fees, 833
Criminal Law—Petty Offences, 54
Justice, Administration of (Ireland), Papers moved for, 1401
Ministers' Money (Ireland), 2R. 834
Parliamentary Papers, 781
Parliamentary Reform, Postponement of, 836
Real Property, Conveyance of, Act Amendment, 1R. 781
Scottish Rights, Address moved, 519
Testamentary Jurisdiction, Com. 61; Re-Com. *cl.* 6, 321
Ticket-of-Leave System, 1036
Unauthorised Negotiations, Leave, 605

CANTERBURY, Archbishop of
Humiliation and Prayer, Day of, 139
Testamentary Jurisdiction, 3R. 670

Canterbury Bribery Prevention Bill,
c. 1R.* 836

CARDWELL, Rt. Hon. E. (President of the Board of Trade), *Oxford, City*
Business of the House, 875
Income Tax, 3R. 96
North London Railway, 3R. 331, 333
Railway and Canal Traffic, Leave, 585, 605; Com. 1233, 1241, 1243; *cl.* 2, 1390; *cl.* 3, 1391, 1392
Russia, War with—Operations in the Black Sea, 1030

Carlisle Canonries Bill,
c. 2R. 1213; Amend. (Rt. Hon. H. Goulburn), 1214, [*o. q.* A. 79, N. 87, M. 8] 1216

CECIL, Lord R. A. T. G., *Stamford*
Oxford University, 2R. 711; Com. *cl.* 6, 1262, 1270

CHAMBERS, Mr. M., *Greenwich*
Criminal Conversation, 2R. 1207

CHAMBERS, Mr. T., *Hertford*
Carlisle Canonries, 2R. 1214
Colonial Clergy Disabilities, Com. *cl.* 1, 803, 813
Conventual and Monastic Institutions, Com. 125

CHANCELLOR, The LORD (Rt. Hon. Lord CRANWORTH)
Bankruptcy and Insolvency (Scotland), 2R. 825, 828, 831 ; Petition, 1173
Bills of Exchange, 2R. 364
County Court Fees, 833
Criminal Law—Petty Offences, 55
Justice, Administration of (Ireland), Papers moved for, 1405
Parliamentary Papers, 783
Real Property, Conveyance of, Act Amendment, 1R. 781
Testamentary Jurisdiction, Com. 59, 61, 62 ; Re-Com. *cl.* 6, 320 ; *cl.* 20, 322, 323, 324 ; *cl.* 37, 325 ; 3R. 670, 671
Ticket-of-Leave System, 1036, 1222

CHANCELLOR OF THE EXCHEQUER (Rt. Hon. W. E. GLADSTONE), *Oxford University*
Business of the House, 873
Civil Service, 1305, 1307
Colonial Clergy Disabilities, Com. *cl.* 1, 801, 810
Financial Statement, 878, 895, 904, 905 ;—Ways and Means, 1413, 1479, 1480, 1481, 1483, 1488, 1490, 1491, 1492
Oxford University, 2R. 753, 765 ; Com. 921, 950, 987, 988 ; *cl.* 1, 1115 ; *cl.* 4, 1128, 1134 ; *cl.* 5, 1139, 1140, 1142 ; *cl.* 6, 1143, 1149, 1165, 1166, 1167, 1252, 1263, 1266, 1273 ; *cl.* 7, *cl.* 8, *cl.* 9, 1274 ; *cl.* 10, 1275
Stonor, Mr., Appointment of, Com. moved for, 534

CHANDOS, Marquess of, *Buckingham*
North London Railway, 3R. Amend. 326, 333, 334

Chimney Sweepers' Bill,
l. Com. 364 ; 2R.* 779 ;
3R. Amend. (Earl of Clancarty), 1283 ; Amend. neg. 1286
c. 1R.* 1407

Church Building Acts Amendment Bill,
l. 2R. 309

Church Buildings Act Continuance Bill,
c. 3R.* 522
l. 1R.* 605 ; 2R.* 1393

Civil Service,
c. Question (Rt. Hon. H. Labouchere), 1305

CLANCARTY, Earl of
Chimney Sweepers, 3R. Amend. 1283
Settlement and Removal, 1187

CLANRICARDE, Marquess of
Income Tax, 3R. 1175
Justice, Administration of (Ireland), Papers moved, 1403
Russia, War with—The Army and the Fleets, 917, 920 ;—Bombardment of Odessa, 1281 ; —Operations in the Black Sea, 1286, 1295

CLARENDON, Earl of (Secretary of State for Foreign Affairs)
Russia, War with—Operations in the Black Sea, 59, 486, 1290 ;—Her Majesty's Message ;
[*cont.*

CLARENDON, Earl of—*continued.*
Address moved, 140, 172 ;—The German Powers, 817 ;—The Army and the Fleets, 916, 919, 920 ;—Bombardment of Odessa, 1282

CLAY, Sir W., *Tower Hamlets*
Bribery, &c., at Elections, Com. *cl.* 6, 357
Episcopal and Capitular Estates, 2R. Amend. 16
Middlesex Industrial Schools, 2R. 452

COBDEN, Mr. R., *Yorkshire, W. R.*
Criminal Conversation, Leave, 423
Greek Insurrection, 1003
Navy Estimates, 1337
Public Business—Orders of the Day, 1411
Slave Trade, Address moved, 429

COCKBURN, Sir A. J. E., *see* ATTORNEY GENERAL, The

COLLIER, Mr. R. P., *Plymouth*
Criminal Conversation, 2R. Amend. 1201
Mortmain, 2R. 1196
Oxford University, Com. *cl.* 4, 1131

Colonial Clergy Disabilities Bill,
c. Com. *cl.* 1, 786 ; Amend. (Mr. Dunlop), 787, [*o. q.* A. 34, N. 81, M. 47] 802 ; 2nd Amend. *ib.* [A. 43, N. 78, M. 35] 812

Colonial Duties, Assimilation of,
c. Question (Mr. Ewart), 920

Conventual and Monastic Institutions,
c. Com. Appointment of Members, Amend. (Mr. Goold), 112, [*o. q.* A. 117, N. 60, M. 57] 115 ; Amend. (Mr. Lucas), 121 ; Adj. moved (Mr. V. Scully), [A. 74, N. 150, M. 76] 133 ; Adj. moved (Mr. Kennedy), [A. 68, N. 121, M. 53] 138 ; Adj. Debate, 1216 ;—see *Property Disposal Bill*

Corrupt Practices at Elections Bill,
c. 1R.* 921

County Courts Extension Act Explanation Bill,
c. 2R. 467 ; 3R.* 1407

County Courts, Fees in,
l. Question (Lord Brougham), 831

COWPER, Hon. W. F. (Lord of the Admiralty), *Hertford*
Carlisle Canonries, 2R. 1215

CRANWORTH, Lord, *see* CHANCELLOR, The LORD

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
County Courts Extension Act Amendment, 2R. 467
Criminal Conversation, 2R. 1203
Education (Scotland), 2R. 443
Financial Statement—Ways and Means, 1484
Libraries and Museums, Public, 2R. 462

Criminal Conversation Bill,
c. Leave, 418 ; 1R.* 443 ;
2R. 1197 ; Amend. (Mr. Collier), 1203, [*o. q.* A. 49, N. 121, M. 72] 1209

Criminal Law—Petty Offences,
l. Question (Lord Campbell), 54

Criminal Procedure Bill,
c. Leave, 431 ; 1R.* 437

CROSSLEY, Mr. F., *Halifax*
Bribery, &c., at Elections, Com. 347

Cuban Slave Trade,
c. Question (Sir G. Pechell), 1223

Declarations Bill,
c. 2R. 1209 ; Amend. (Attorney General), 1211, [*o. q.* A. 37, N. 136, M. 99] 1213

DEEDES, Mr. W., *Kent, E.*
Bribery, &c., at Elections, Com. 340
Business of the House, 875

DENISON, Mr. E. B., *Yorkshire, W. R.*
Railway and Canal Traffic, Leave, 604

DENISON, Mr. J. E., *Malton*
Canal and Railway Traffic, Com. 1229
Oxford University, Com. *cl.* 6, 1160
Payment of Wages, Com. 877

DERBY, Earl of
Cambridge University Reform, 491
Russia, War with—Her Majesty's Message, Address moved, 153, 167, 172
Soldiers' Wives, &c., Returns moved for, 375

DESART, Earl of
Reform, Parliamentary, Postponement of, 843

DISRAELI, Rt. Hon. B., *Buckinghamshire*
Baines, Mr., Resignation of, 79
Bribery, &c., at Elections, Com. *cl.* 6, 356, 357
Business of the House, 873
Financial Statement, 893, 895 ;—Ways and Means, 1479, 1480, 1488, 1491, 1493
Navy Estimates, 1350, 1364
North London Railway, 3R. 334
Oxford University, Com. 967, 976, 990, 993 ; *cl.* 1, 1118 ; *cl.* 4, 1130 ; *cl.* 6, 1167
Public Business—Standing Orders, 1310 ;—Orders of the Day, 1411
Reform, Parliamentary, Postponement of, 857, 861
Russia, War with—Her Majesty's Message, Address moved, 281, 308

DONOUGHMORE, Earl of
Income Tax, Com. 1098
Ministers' Money (Ireland), 2R. 834
Testamentary Jurisdiction, Re-Com. *cl.* 6, 321

Drainage of Lands Bill,
c. 1R.* 522

DRUMMOND, Mr. H., *Surrey, W.*
Declarations, 2R. 1211
Navy Estimates, 1344
Oxford University, Com. *cl.* 6, 1260
Stonor, Mr., Appointment of, Com. moved for, 540, 566

Dublin Port Bill,
c. 2R.* 325

Dublin University,
c. Leave, 376

DUNCAN, Mr. G., *Dundee*
Births, &c., Registration of (Scotland), Leave, 577
Libraries and Museums, Public, 2R. 462

DUNCOMBE, Mr. T. S., *Finsbury*
Baines, Mr., Resignation of, 77
Stonor, Mr., Appointment of, Com. moved for, 560

Dungarvan Election Committee,
c. Report, 198

DUNLOP, Mr. A. M., *Greenock*
Births, &c., Registration of (Scotland), Leave, 577
Colonial Clergy Disabilities, Com. *cl.* 1, Amend. 786, 801, 802

DUNNE, Lieut.-Col. F. P., *Portarlington*
Army Estimates, 1379
Baines, Mr., Resignation of, 79
Military Asylum, Address moved, 1279, 1281
Militia, Leave, 1173
Ordnance Estimates, 1389

Education (*Scotland*) *Bill,*
c. 2R. postponed, 441

EGERTON, Mr. W. T., *Cheshire, N.*
North London Railway, 3R. 329
Railway and Canal Traffic, Com. 1233 ; *cl.* 2, Amend. 1390

EGLINTON, Earl of
Bankruptcy and Insolvency (Scotland), 1393
Justice, Administration of (Ireland), Papers moved for, 1402
Scottish Rights, Address moved, 496, 510, 511, 521

ELCHO, Lord, *Haddingtonshire*
Births, &c., Registration of (Scotland), Leave, 569, 577
Education (Scotland), 2R. 443

Elections, Bribery, &c., at, Bill,
c. Com. 336 ; Amend. (Rt. Hon. R. V. Smith), 340, [*o. q.* A. 146, N. 76, M. 70] 348 ;
cl. 5, 348 ; Amend. (Rt. Hon. S. H. Walpole), 352 ;
cl. 6, 354

Elections, Corrupt Practices at, Bill,
c. 1R.* 920

Ellenborough, Earl of
  Army, Administration of the, Papers moved for, 645, 657
  Parliamentary Papers, 783
  Russia, War with—Operations in the Black Sea, 488;—The Army and the Fleets, 906, 914, 917
  Soldiers' Wives, &c., Returns moved for, 371

Ellice, Rt. Hon. E., *Coventry*
  Colonial Clergy Disabilities, Com. *cl.* 1, 787

Emigration Depôt (Ireland),
  c. Motion (Mr. I. Butt), 579; Motion withdrawn, 585

Episcopal and Capitular Estates Bill,
  c. 2R. 1; Amend. (Sir W. Clay), 20

Episcopal and Capitular Estates Management, 1854, *Bill,*
  l. 1R.* 1281

Ewart, Mr. W., *Dumfries, &c.*
  Colonial Duties, Assimilation of, 920
  Libraries and Museums, Public, 2R. 453, 464
  Oxford University, Com. 930; *cl.* 4, 1135
  Russia, War with—Coals for the Black Sea Fleet, 1227

Exchequer, Chancellor of the, *see* Chancellor of the Exchequer

Exchequer Bills (16,024,100*l.*) *Bill,*
  c. 1R.* 1190; 2R.* 1223

Exchequer Bonds—Ways and Means,
  c. Res. 1484

Fagan, Mr. W. T., *Cork, City*
  Dublin University, Leave, 376, 417
  Emigration Depôt (Ireland), 584
  Property Disposal, 2R. 472

Ferguson, Mr. J., *Carlisle*
  Carlisle Canonries, 2R. 1213

Financial Statement—the Budget,
  c. Motion (Chancellor of the Exchequer), 878;—*Ways and Means.* Statement (Chancellor of the Exchequer), 1413; Res. 1481, 1483;—*Exchequer Bonds,* 1484

FitzGerald, Sir J. F., *Clare, Co.*
  Army Estimates, 1386
  Conventual and Monastic Institutions, Com. 115
  Criminal Conversation, 2R. 1206
  Dublin University, Leave, 399

FitzGerald, Mr. J. D., *Ennis*
  Mortmain, 2R. 1196
  Stonor, Mr., Appointment of, Com. moved for, Amend. 547, 566

FitzRoy, Hon. H. (Under Secretary for the Home Department), *Lewes*
  County Courts Extension Act Amendment, 2R. 469
  Criminal Conversation, Leave, 423
  Libraries and Museums, Public, 2R. 457; Amend. 459
  Payment of Wages, Com. 876
  Ticket-of-Leave System, 1224, 1226

Forster, Mr. C., *Walsall*
  Payment of Wages, Com. 876

Fortescue, Mr. C. S., *Louth*
  Libraries and Museums, Public, 2R. 462

Fox, Mr. W. J., *Oldham*
  Oxford University, Com. 986

French, Mr. F., *Roscommon, Co.*
  Arran, Postal Communication with, Address moved, 424, 425
  Baines, Mr., Resignation of, 75
  Russia, War with—Operations in the Black Sea, 1032;—Bombardment of Odessa, 1307

Frewen, Mr. C. H., *Sussex, E.*
  Public Business—Orders of the Day, Amend. 1407

Gaming-Houses Bill,
  c. 1R.* 1305

Geach, Mr. C., *Coventry*
  North London Railway, 3R. 329

George, Mr. J., *Wexford Co.*
  Dublin University, Leave, 416

Gibson, Rt. Hon. T. M., *Manchester*
  Greece and Turkey, Relations between, 875
  Navy Estimates, 1370
  Russia, War with—Russian Prizes, 920; Operations in the Black Sea, 1018, 1023

Gladstone, Rt. Hon. W. E., *see* Chancellor of the Exchequer

Glyn, Mr. G. C., *Kendal*
  Financial Statement—Ways and Means, 1489

Goold, Mr. W., *Limerick, Co.*
  Conventual and Monastic Institutions, Com. Appointment of Members, Amend. 112, 128

Goulburn, Rt. Hon. H., *Cambridge University*
  Carlisle Canonries, 2R. Amend. 1213
  Episcopal and Capitular Estates, 2R. 30, 41
  Oxford University, 2R. 749
  Public Business—Standing Orders, 1310;—Orders of the Day, 1408

GRAHAM, Rt. Hon. Sir J. R. G. (First Lord of the Admiralty), *Carlisle*
Arctic Expedition, Papers moved for, 438, 441
Manning the Navy, Leave, 1494
Navy Estimates, Supplemental, 1311, 1345, 1350, 1369, 1373, 1374
Roman Catholic Sailors, 994, 1412
Russia, War with—Russian Prizes, 920;—Transport of Troops, 993, 994, 1228;—Operations in the Black Sea, 997, 1017, 1021, 1024;—Coals for the Black Sea Fleet, 1227;—Bombardment of Odessa, 1307
Slave Trade, Address moved, 428

GRANBY, Marquess of, *Leicestershire, N.*
Russia, War with—Her Majesty's Message, Address moved, 269

GRANVILLE, Earl (President of the Council)
Income Tax, Com. 1040, 1099; 3R. 1175, 1178
India—Municipal Institutions for Calcutta, 1040
Parliamentary Papers, 782, 783
Russia, War with—Her Majesty's Message, Address moved, 184

GREAVES, Mr. E., *Warwick*
Income Tax, 3R. 111

Greek Insurrection,
c. Question (Mr. M. Milnes), 522; (Rt. Hon. T. M. Gibson), 875; (Mr. Cobden), 1003

GREY, Earl
Army, Administration of the, Papers moved for, 606, 665, 667
Income Tax, Com. 1084, 1087, 1090
Justice, Administration of (Ireland), Papers moved for, 1406
Russia, War with—Her Majesty's Message, Address moved, 187

GREY, Rt. Hon. Sir G., *Morpeth*
Colonial Clergy Disabilities, Com. *cl.* 1, 792, 806, 813
Episcopal and Capitular Estates, 2R. 45
Middlesex Industrial Schools, 2R. 450
Public Business—Orders of the Day, 1412
Reform, Parliamentary, Postponement of, 866

GROGAN, Mr. E., *Dublin, City*
Militia, Leave, 1172

GROSVENOR, Rt. Hon. Lord R., *Middlesex*
Bribery, &c., at Elections, Com. *cl.* 6, 354
Middlesex Industrial Schools, 2R. 443

HADFIELD, Mr. G., *Sheffield*
Assessment, Uniform, 2R. 465
Criminal Procedure, Leave, 432
Declarations, 2R. 1211
Episcopal and Capitular Estates, 2R. 19
Mortmain, 2R. 1197
Oxford University, Com. 959

HALFORD, Sir H., *Leicestershire, S.*
Payment of Wages, Com. Amend. 876, 877

HALL, Sir B., *Marylebone*
Business of the House, 874
Navy Estimates, 1332

HAMILTON, Rt. Hon. Lord C., *Tyrone*
Bribery, &c., at Elections, Com. *cl.* 6, 358
Russia, War with — Operations in the Black Sea, 1024

HAMILTON, Mr. G. A., *Dublin University*
Dublin University, Leave, 387

HARCOURT, Col. F. V., *Isle of Wight*
Soldiers' Wives, Returns moved for, 66

HARDINGE, Viscount
Army, Administration of the, Papers moved for, 654

HARDWICKE, Earl of
Parliamentary Reform, Postponement of, 834
Russia, War with—Her Majesty's Message, Address moved, 191;—The Army and the Fleets, 915;—Bombardment of Odessa, 1283;—Operations in the Black Sea, 1297

HARROWBY, Earl of
Church Building Acts Amendment, 2R. 309
Testamentary Jurisdiction, Re-Com. *cl.* 20, 324

HEADLAM, Mr. T. E., *Newcastle-on-Tyne*
Mortmain, 2R. 1197
Neutrals, Rights of, 62

HEATHCOTE, Sir W., *Oxford University*
Oxford University, 2R. 672; Com. *cl.* 4, Amend. 1125, 1133; *cl.* 6, 1160, 1273; *cl.* 10, Amend. 1275

HENLEY, Rt. Hon. J. W., *Oxfordshire*
Army Estimates, 1387
Assessment, Uniform, 2R. 465
Bribery, &c., at Elections, Com. *cl.* 5, 352, 353; *cl.* 6, 358
Colonial Clergy Disabilities, Com. *cl.* 1, 796, 802
Criminal Procedure, Leave, 434
Episcopal and Capitular Estates, 2R. 48, 49
Libraries and Museums, Public, 2R. 455
Middlesex Industrial Schools, 2R. 449
Militia, 2R. 1250; Com. *cl.* 1, 1392
Navy Estimates, 1366
Oxford University, 2R. 742, 743; Com. 963, 987; *cl.* 3, 1125; *cl.* 4, 1127, 1134; *cl.* 5, 1140, 1141; *cl.* 6, 1158, 1257, 1266; *cl.* 9, *cl.* 10, 1275
Public Business—Orders of the Day, 1412
Railway and Canal Traffic, Com. 1237; *cl.* 3, 1391

HERBERT, Rt. Hon. S. (Secretary at War), *Wiltshire, S.*
Army Estimates, 1375, 1380, 1382, 1387, 1388
Libraries and Museums, Public, 2R. 463
Military Asylum, Address moved, 1280
Military Rewards, 1308

[cont.

HERBERT, Rt. Hon. S.—*continued.*
Militia, 2R. 1250
Reform, Parliamentary, Postponement of, 868
Russia, War with—Troops at Gallipoli, 999
Soldiers' Wives, Returns moved for, 69
Stonor, Mr., Appointment of, Com. moved for, 562, 569

HERBERT, Mr. H. A., *Kerry*
Arran, Postal Communication with, Address moved, 425
Stonor, Mr., Appointment of, Com. moved for, 546

HEYWOOD, Mr. J., *Lancashire, N.*
Dublin University, Leave, 395, 412
Oxford University, Com. Amend. 921, 966, 967; *cl.* 1, 1112; *cl.* 4, 1132; *cl.* 6, 1163; Amend. 1166

High Treason (Ireland) Bill,
c. 3R.* 198
l. 1R.* 359

HILDYARD, Mr. R. C., *Whitehaven*
Bribery, &c., at Elections, Com. *cl.* 6, 355
Financial Statement—Ways and Means, 1493
North London Railway, 3R. 333
Oxford University, Com. *cl.* 6, 1272

HINDLEY, Mr. C., *Ashton-under-Line*
Stonor, Mr., Appointment of, Com. moved for, 543

Holyhead Harbour Bill,
c. 1R.* 672

HORSMAN, Mr. E., *Stroud*
Colonial Clergy Disabilities, Com. *cl.* 1, 807
Conventual and Monastic Institutions, Com. 1220
Episcopal and Capitular Estates, 2R. 27, 36, 44
Oxford University, Com. 932, 959, 976, 992; *cl.* 1, Amend. 1105, 1111, 1121; *cl.* 4, 1134; *cl.* 6, 1148, 1166, 1270

HOTHAM, Lord, *Yorkshire, E. R.*
Army Estimates, 1387
Bribery, &c., at Elections, Com. 347; *cl.* 5, 351, 352
Navy Estimates, 1340

HOWARD, Hon. C. W. G., *Cumberland, E.*
Carlisle Canonries, 2R. 1216

HUDSON, Mr. G., *Sunderland*
Railway and Canal Traffic, Leave, 603

HUME, Mr. J., *Montrose, &c.*
Army Estimates, 1381
Assessment, Uniform, 2R. 466
Business of the House, 874
Civil Service, 1307
Colonial Clergy Disabilities, Com. *cl.* 1, 788
County Courts Extension Act Amendment, 2R. 468
Dublin University, Leave, 387
[*cont.*

HUME, Mr. J.—*continued.*
Financial Statement—Ways and Means, 1481, 1483, 1489, 1490
Indian Budget, 784
Libraries and Museums, Public, 2R. 455, 459, 460
Middlesex Industrial Schools, 2R. 447
Militia, 2R. 1251
Mortmain, 2R. 1196
Navy Estimates, 1325
Payment of Wages, Com. 877
Public Business—Standing Orders, 1310;—Orders of the Day, 1409
Railway and Canal Traffic, Com. 1231
Reform, Parliamentary, Postponement of, 845
Slave Trade, Address moved, 427

Humiliation and Prayer, Day of
l. Question (Earl of Roden), 138

Hustings Expenses Bill,
c. 1R.* 836

HUTT, Mr. W., *Gateshead*
Neutrals, Rights of, 525

Income Tax Bill,
c. 3R. 81; Bill passed, 112
l. 1R.* 138; 2R.* 779;
Com. 1040;
3R. 1175

India—Municipal Institutions for Calcutta,
l. Petition (Earl of Albemarle), 1037

Indian Budget, The,
c. Question (Mr. Hume), 784

Industrial and Provident Societies Bill,
c. 1R.* 1223

INGHAM, Mr. R., *South Shields*
Episcopal and Capitular Estates, 2R. 51

Ireland,
Arran, Postal Communication with, c. Address moved (Mr. Bellew), 424, [A. 92, N. 80, M. 12] 426
Dublin University, c. Leave, 376; Motion neg. 418
Dungarvan Election Committee, c. Report, 198
Emigration Depôt, c. Motion (Mr. I. Butt), 579; Motion withdrawn, 585
Justice, Administration of, l. Papers moved for (Marquess of Westmeath), 1395
See
Boundary Survey (Ireland) Bill
Dublin Port Bill
High Treason (Ireland) Bill
Ministers' Money, &c. (Ireland) Bill

JOCELYN, Viscount, *King's Lynn*
North London Railway, 3R. 330
Reform, Parliamentary, Postponement of, 855

JOLLIFFE, Sir W. G. H., *Petersfield*
Army Estimates, 1387

Justice, Administration of (Ireland),
l. Papers moved for (Marquess of Westmeath), 1395

Kelly, Sir F., *Suffolk, E.*
Bribery, &c., at Elections, Com. 337; *cl.* 5, 349, 351

Kennedy, Mr. T., *Louth*
Conventual and Monastic Institutions, Com. Adj. moved, 133

Keogh, Mr. W., *Athlone*
Property Disposal, 2R. 478

King, Hon. P. J. L., *Surrey, E.*
Public Business—Orders of the Day, 1408
Real Estate Charges, Leave, 578, 579

Kingston-upon-Hull Bribery Prevention Bill,
c. 1R.* 836

Kinnaird, Hon. A. F., *Perth*
Colonial Clergy Disabilities, Com. *cl.* 1, 804
Conventual and Monastic Institutions, Com. 128

Knox, Colonel B. W., *Marlow*
Militia, Leave, 1172

Labouchere, Rt. Hon. H., *Taunton*
Civil Service, 1305
North London Railway, 3R. 329
Reform, Parliamentary, Postponement of, 853

Laffan, Capt. R. M., *St. Ives*
Railway and Canal Traffic, Com. *cl.* 3, Amend. 1390

Laing, Mr. S., *Wick, &c.*
Business of the House, 875
Financial Statement, 902
Income Tax, 3R. 106
Navy Estimates, 1368
North London Railway, 3R. 332

Lansdowne, Marquess of
Russia, War with—Her Majesty's Message, Address moved, 192;—Sir H. Seymour's Property, 780

Layard, Mr. A. H., *Aylesbury*
Greek Insurrection, 1012
Russia, War with—Her Majesty's Message, Address moved, 217;—Russian Ships in the Black Sea, 1015

Lefevre, Rt. Hon. Charles Shaw, *see* Speaker, The

Libraries and Museums, Public, Bill,
c. 2R. 453; Adj. moved (Mr. Spooner), 456, [A. 4, N. 134, M. 130] 459; Amend. (Hon. H. FitzRoy], *ib.* [*o. q.* A. 85, N. 88, M. 3] 464

Libraries, Public, Bill,
c. 1R.* 1305

Liddell, Hon. H. T., *Liverpool*
Episcopal and Capitular Estates, 2R. 41
Middlesex Industrial Schools, 2R. 452

Lindsay, Hon. Lieut.-Col. J., *Wigan*
Army Estimates, 1380
Soldiers' Wives, Returns moved for, 71

Locke, Mr. J., *Honiton*
North London Railway, 3R. 332
Railway and Canal Traffic, Leave, 602

Lockhart, Mr. W., *Lanarkshire*
Births, &c., Registration of (Scotland), Leave, 577

London, Bishop of
Church Building Acts Amendment, 2R. 316

Lovaine, Lord, *Northumberland, N.*
Army Estimates, 1388
Russia, War with—Correspondents of the Press, 1226

Lowe, Mr. R., *Kidderminster*
Oxford University, Com. *cl.* 6, 1153

Lucas, Mr. F., *Meath*
Conventual and Monastic Institutions, Com. Amend. 115
Middlesex Industrial Schools, 2R. 444
Stonor, Mr., Appointment of, Com. moved for, 555

Lyndhurst, Lord
Bankruptcy and Insolvency (Scotland), 2R. 831
Cambridge University Reform, 490
Justice, Administration of (Ireland), Papers moved for, 1398
Russia, War with—Sir H. Seymour's Property, 779, 780

MacGregor, Mr. James, *Sandwich*
North London Railway, 3R. 333
Railway and Canal Traffic, Leave, 600; Com. 1239

MacGregor, Mr. John, *Glasgow*
Reform, Parliamentary, Postponement of, 872

Maldon Bribery Prevention Bill,
c. 1R.* 836

Malins, Mr. R., *Wallingford*
Bribery, &c., at Elections, Com. *cl.* 3, 350; *cl.* 6, 356
County Courts Extension Act Amendment, 2R. 469
Income Tax, 3R. 101
Oxford University, Com. *cl.* 3, 1125; *cl.* 4, 1134
Property Disposal, 2R. 483
Railway and Canal Traffic, Leave, 603
Real Estates Charges, Leave, 579

Malmesbury, Earl of
Income Tax, Com. 1046, 1080, 1081; 3R. 1179
Russia, War with—Operations in the Black Sea, 58, 484, 489, 1302;—Her Majesty's Message, Address moved, 180

Mangles, Mr. R. D., *Guildford*
North London Railway, 3R. 334
Railway and Canal Traffic, Leave, 601; Com. 1233

Manning the Navy Bill,
c. Leave, 1494; 1R.* 1496

Massey, Mr. W. N., *Newport*
Bribery, &c., at Elections, Com. *cl.* 5, 353
Conventual and Monastic Institutions, Com. 123, 125

Metropolitan Building Act Further Amendment Bill,
l. 1R.* 359

Miall, Mr. E., *Rochdale*
Colonial Clergy Disabilities, Com. *cl.* 1, 807
Middlesex Industrial Schools, 2R. 448
Oxford University, Com. 927, 964

Middlesex Industrial Schools Bill,
2R. 443; Amend. (Lord D. Stuart), 445; Amend. withdrawn, 453

Miles, Mr. W., *Somersetshire, E.*
Libraries and Museums, Public, 2R. 457
Oxford University, Com. *cl.* 6, 1273

Military Asylum, Royal,
c. Address moved (Mr. Oliveira), 1276; Motion withdrawn, 1281

Militia Bill,
c. Leave, 1171; 1R.* 1173;
2R. 1250;
Com. *cl.* 1, 1392

Milnes, Mr. R. M., *Pontefract*
Greece and Turkey, Relations of, 522
Libraries and Museums, Public, 2R. 458, 460

Ministers' Money, &c. (Ireland), Bill,
c. 3R.* 325
l. 1R.* 484;
2R. 833; Rep.* 1173; 3R.* 1220

Mitchell, Mr. T. A., *Bridport*
Neutrals, Rights of, 63

Moffatt, Mr. G., *Ashburton*
Payment of Wages, Com. 877

Moncreiff, Rt. Hon. J., *see* Advocate, The Lord

Monsell, Mr. W. (Clerk of the Ordnance), *Limerick, Co.*
Ordnance Estimates, 1388, 1389

Monteagle, Lord
Income Tax, Com. 1053

Montrose, Duke of
Scottish Rights, Address moved, 513

Moore, Mr. G. H., *Mayo*
Stonor, Mr., Appointment of, Com. moved for, 527, 533, 564

Mortmain Bill,
c. 2R. 1190

Mowbray, Mr. R. J., *Durham, City*
Colonial Clergy Disabilities, Com. *cl.* 1, 812
Episcopal and Capitular Estates, 2R. 20, 48

Napier, Rt. Hon. J., *Dublin University*
Bribery, &c., at Elections, Com. 346; *cl.* 5, 351
Colonial Clergy Disabilities, Com. *cl.* 1, 794, 811
Dublin University, Leave, 403, 412
Dungarvan Election Committee, Report, 198
Property Disposal, 2R. 480

Navy,
Arctic Expedition, c. Papers moved for (Sir T. Acland), 437
Estimates, Supplemental, c. 1311
Roman Catholics in the, c. Question (Mr. D. O'Connell), 994; (Mr. Bowyer), 1412
See
Manning the Navy Bill

Navy Pay, &c., Bill,
c. 1R.* 1407

Neutrals, Rights of,
c. Question (Mr. Headlam), 62; (Mr. Hutt), 525

Newcastle, Duke of (Secretary of State for the Colonies)
Army, Administration of the, Papers moved for, 639, 645, 667
Russia, War with—The Army and the Fleets, 908;—Duke of Cambridge, 1282;—Operations in the Black Sea, 1299
Soldiers' Wives, &c., Returns moved for, 373, 375

Newdegate, Mr. C. N., *Warwickshire, N.*
Conventual and Monastic Institutions, Com. 1220
Oxford University, Com. 927, 990; *cl.* 4, 1132; *cl.* 5, 1142; *cl.* 6, 1149, 1260
Public Business—Orders of the Day, 1409

Newfoundland House of Assembly,
c. Question (Rt. Hon. Sir J. Pakington), 785

North, Col. J. S., *Oxfordshire*
Army Estimates, 1383

North London Railway Bill,
c. 3R. 326; Amend. (Marquess of Chandos), 327; Amend. withdrawn, 334

Nuisances Removal, &c., Further Amendment Bill,
l. 1R.* 906; 2R.* 1220

O'Brien, Mr. P., *King's County*
Dublin University, Leave, 416

O'Connell, Mr. D., *Tralee*
Conventual and Monastic Institutions, Com. 121
Navy, Roman Catholics in the, 994

O'Connell, Mr. J., *Clonmel*
Middlesex Industrial Schools, 2R. 448
Stonor, Mr., Appointment of, Com. moved for, 567

Oliveira, Mr. B., *Pontefract*
Military Asylum, Address moved, 1276, 1281

Ordnance Estimates,
c. 1388

Osborne, Mr. R. B. (Secretary of the Admiralty), *Middlesex*
Navy Estimates, 1334, 1342
War with Russia—Correspondents of the Press, 1227

Oxford University Bill,
c. 2R. 672;
Com. Instruction (Mr. R. Palmer), 921; Amend. (Mr. Heywood), 927, [*o. q.* A. 172, N. 90, M. 82] 987, [*m. q.* A. 160, N. 101, M. 59] 991;
cl. 1, 1105; Amend. (Mr. Horsman), 1108, [*o. q.* A. 169, N. 141, M. 28] 1122;
cl. 3, 1124;
cl. 4, 1125; Amend. (Sir W. Heathcote), 1126, [*o. q.* A. 117, N. 69, M. 48] 1135;
cl. 5, 1137;
cl. 6, 1142; Amend. (Rt. Hon. S. Walpole), 1143, [*o. q.* A. 149, N. 162, M. 13] 1163; Amend. (Mr. Heywood), 1166, [*o. q.* A. 135, N. 148, M. 13] 1167; Amend. (Rt. Hon. Sir J. Pakington), 1252; Amend. neg. 1253; 2nd Amend. 1255, [*o. q.* A. 192, N. 176, M. 16] 1273;
cl. 7; *cl.* 8, 1274;
cl. 9, Amend. (Sir H. Willoughby), 1274; *cl.* struck out, 1275;
cl. 10, Amend. (Sir W. Heathcote), 1275

Packe, Mr. C. W., *Leicestershire, S.*
Baines, Mr., Resignation of, 78
Bribery, &c., at Elections, Com. 347
Criminal Procedure, Leave, 436

Pakington, Rt. Hon. Sir J. S., *Droitwich*
Colonial Clergy Disabilities, Com. *cl.* 1, 791, 801, 803, 804, 805, 806, 813
Criminal Procedure, Leave, 433
Financial Statement—Ways and Means, 1466
Income Tax, 3R. 81
Newfoundland House of Assembly, 785
Oxford University, 2R. 682; Com. 989, 992; *cl.* 1, 1111, 1121; *cl.* 6, 1147; Amend. 1252, 1253
Reform, Parliamentary, Postponement of, 870
Ticket-of-Leave System, 1226

Palk, Mr. L., *Devonshire, S.*
Militia, Com. 1392

Palmer, Mr. Roundell, *Plymouth*
Bribery, &c., at Elections, Com. *cl.* 5, 352
Colonial Clergy Disabilities, Com. *cl.* 1, 804
Oxford University, 2R. 723, 742; Com. Instruction, 921; *cl.* 4, 1126, 1130; *cl.* 6, 1166, 1167, 1271

Palmerston, Rt. Hon. Viscount (Secretary of State for the Home Department), *Tiverton*
Assessment, Uniform, 2R. 465
Baines, Mr., Resignation of, 75
Business of the House, 875
County Courts Extension Act Amendment, 2R. 468
Criminal Procedure, Leave, 432
Militia, Leave, 1171, 1173; Com. 1392; *cl.* 1, 1393
Payment of Wages, Com. 877
Property Disposal, 2R. 474
Russia, War with—Her Majesty's Message, Address moved, 273

Panmure, Lord
Army, Administration of the, Papers moved for, 662
Scottish Rights, Address moved, 517

Parliamentary Papers,
l. Question (Lord Campbell), 781

Parliamentary Reform—Postponement of the Government Measures,
l. Question (Earl of Hardwicke), 834;
c. Observations (Lord J. Russell), 836

Parliamentary Representation Bill,
c. Bill postponed, 836

Patten, Mr. J. W., *Lancashire, N.*
North London Railway, 3R. 334

Payment of Wages Bill,
c. Com. Amend. (Sir H. Halford), 876; Amend. withdrawn, 877

Pechell, Rear-Admiral Sir G. R., *Brighton*
Cuban Slave Trade, 1223
Manning the Navy, Leave, 1495
Navy Estimates, 1326
Slave Trade, Address moved, 426

Peel, Mr. F. (Under Secretary for the Colonies), *Bury, Lancashire*
Colonial Clergy Disabilities, Com. *cl.* 1, 805
Colonial Duties, Assimilation of, 920
Emigration Depôt (Ireland), 581
Newfoundland House of Assembly, 785
Quarantine Regulations in Gibraltar, 66
Stonor, Mr., Appointment of, Com. moved for, 533, 558

Pellatt, Mr. A., *Southwark*
Declarations, 2R. 1209

Peto, Mr. S. M., *Norwich*
Assessment, Uniform, 2R. 464, 467

Petty Offences—Criminal Law,
l. Question (Lord Campbell), 54

Phillimore, Mr. J. G., *Leominster*
Colonial Clergy Disabilities, Com. *cl.* 1, 809, 811
Oxford University, Com. *cl.* 4, 1130
Public Prosecutors, Bill withdrawn, 1169, 1170

Phillimore, Mr. R. J., *Tavistock*
Carlisle Canonries, 2R. 1214
Colonial Clergy Disabilities, Com. *cl.* 1, 793
Episcopal and Capitular Estates, 2R. 53
Oxford University, 2R. 703; Com. *cl.* 1, 1113; *cl.* 4, 1134; *cl.* 6, 1272
Property Disposal, 2R. 481

Phinn, Mr. T., *Bath*
Bribery, &c., at Elections, Com. 344; *cl.* 5, 350, 353, 354
County Courts Extension Act Amendment, 2R. 468
Criminal Conversation, 2R. 1205
Property Disposal, 2R. 470

Piers and Harbours (Scotland) Bill,
c. 1R.* 62

Pigott, Mr. F., *Reading*
Bribery, &c., at Elections, Com. 345

Postal Communication—Arran,
c. Address moved (Mr. Bellew), 424, [A. 92, N. 80, M. 12] 426

Powis, Earl of
Church Building Acts Amendment, 2R. 312
Soldiers' Wives, &c., Returns moved for, 375

Price, Mr. W. P., *Gloucester*
Neutrals, Rights of, 65
Russia, War with—Operations in the Black Sea, 1030

Property Disposal Bill,
c. 2R. 470

Public Business—Standing Orders,
c. Motion (Lord J. Russell), 1309;—*Orders of the Day*, Motion (Lord J. Russell), 1407; Amend. (Mr. Frewen), 1408; Amend. and Motion withdrawn, 1412

Public Prosecutors Bill,
c. Bill withdrawn, 1169

Quarantine Regulations in Gibraltar,
c. Question (Mr. J. L. Ricardo), 66

Railway and Canal Traffic Regulation Bill,
c. Leave, 585; 1R.* 605; 2R.* 784
Com. Adj. moved, [A. 40, N. 261, M. 221] 1229;

[*cont.*

Railway and Canal Traffic Regulation Bill—cont.
cl. 2, Amend. (Mr. T. Egerton), 1389; Amend. neg. 1390;
cl. 3, Amend. (Capt. Laffan), 1390; Amend. withdrawn, 1392

Real Estate Charges Bill,
c. Leave, 578; 1R.* 579

Real Property, Conveyance of, Act Amendment Bill,
l. 1R. 780

Redesdale, Lord
Business of the House, Res. 1188, 1190
Russia, War with—Duke of Cambridge, 1282

Ricardo, Mr. J. L., *Stoke-upon-Trent*
Quarantine Regulations in Gibraltar, 66

Roden, Earl of
Humiliation and Prayer, Day of, 138

Roebuck, Mr. J. A., *Sheffield*
Middlesex Industrial Schools, 2R. 448
Stonor, Mr., Appointment of, Com. moved for, 561

Rolt, Mr. P., *Greenwich*
Bribery, &c., at Elections, Com. 345

Roman Catholic Sailors in the Navy,
c. Question (Mr. D. O'Connell), 994; (Mr. Bowyer), 1412

Russell, Rt. Hon. Lord J., *London* (Member of the Cabinet, without Office).
Bribery, &c., at Elections, Com. 336, 340; *cl.* 5, 349, 350, 351; *cl.* 6, 354, 356, 357, 358
Business of the House, 872, 873, 875
Colonial Clergy Disabilities, Com. *cl.* 1, 806
Cuban Slave Trade, 1223
Financial Statement—Ways and Means, 1480, 1486, 1488, 1493
Greece and Turkey, Relations between, 523, 524, 876, 1005, 1009
Navy Estimates, 1357, 1366
Neutrals, Rights of, 62, 65
North London Railway, 3R. 333, 334
Oxford University, 2R. 774; Com. 960, 989, 991, 992; *cl.* 1, 1108, 1121; *cl.* 4, 1126, 1127; *cl.* 6, 1169, 1255, 1271, 1273; *cl.* 9, 1275
Public Business—Standing Orders, 1309, 1311; —Orders of the Day, 1407, 1410, 1412
Reform, Parliamentary, Postponement of, 836, 861, 872
Russia, War with—Her Majesty's Message, Address moved, 198, 301, 307, 308;—Austrian Occupation of Servia, 998;—Sir H. Seymour's Effects, 1033
Russo-Dutch Loan, 1308
Stonor, Mr., Appointment of, 335

Russell, Mr. F. W., *Limerick, City*
Emigration Depôt (Ireland), 581

Russia, War with — Operations in the Black Sea,
l. Question (Earl of Malmesbury), 58, 484; (Marquess of Clanricarde), 1286;—*Her Majesty's Message,* Address moved (Earl of Clarendon), 140;—*The Queen's Answer,* 308;—*Sir Hamilton Seymour's Property,* Question (Lord Lyndhurst), 779;—*The German Powers,* Question (Lord Beaumont), 814;—*The Army and the Fleets,* Observations (Earl of Ellenborough) 906;—*Bombardment of Odessa,* Question (Marquess of Clanricarde), 1281;—*Duke of Cambridge,* Question (Lord Redesdale), 1282
c. Her Majesty's Message, Address moved (Lord J. Russell), 198;—*The Queen's Answer,* 325;—*Russian Prizes,* Question (Rt. Hon. T. M. Gibson), 920;—*Transport of Troops,* Question (Sir J. Walsh), 993, 1228; Observations (Mr. Layard), 1015;—*Russian Ships in the Black Sea,* Question (Lord D. Stuart), 996;—*Austrian Occupation of Servia,* Question (Lord D. Stuart), 998;—*The Troops at Gallipoli,* Question (Mr. W. D. Seymour), 999;—*Sir H. Seymour's Effects,* Observations (Lord J. Russell), 1033;—*Correspondents of the Press,* Question (Lord Lovaine), 1226;—*Coals for the Black Sea Fleet,* Question (Mr. Ewart), 1227;—*Bombardment of Odessa,* Question (Mr. French), 1307

Russo-Dutch Loan,
c. Question (Lord D. Stuart), 1308

St. Asaph, Bishop of
Testamentary Jurisdiction, Re-Com. *cl.* 20, Amend. 322

St. Leonards, Lord
Bankruptcy and Insolvency, 1221
Church Building Acts Amendment, 2R. 319
Soldiers' Wives, &c., Returns moved for, 367
Testamentary Jurisdiction, Com. 60, 62; Re-Com. *cl.* 20, 322; *cl.* 37, Amend. 324
Ticket-of-Leave System, 1034, 1036, 1221

Salisbury, Marquess of
Income Tax, 3R. 1181

Scobell, Capt. G. T., *Bath*
Arctic Expedition, Papers moved for, 440
Emigration Depôt (Ireland), 584
Libraries and Museums, Public, 2R. 460
Manning the Navy, Leave, 1496
Navy Estimates, 1329
Slave Trade, Address moved, 430

Scotland,
Rights of, l. Address moved (Earl of Eglinton), 496; Motion neg. 522
See
Bankruptcy and Insolvency (Scotland) Bill
Births, &c., Registration of, (Scotland) Bill
Burgh Boundaries (Scotland) Bill
Education (Scotland) Bill
Piers and Harbours (Scotland) Bill

Scully, Mr. F., *Tipperary*
Ticket-of-Leave System, 1223

Scully, Mr. V., *Cork, Co.*
Assessment, Uniform, 2R. Amend. 466
Bribery, &c., at Elections, Com. *cl.* 6, 357
Conventual and Monastic Institutions, Com. Adj. moved, 128
Emigration Depôt (Ireland), 583
Public Business—Orders of the Day, 1409
Railway and Canal Traffic, Com. 1238
Stonor, Mr., Appointment of, Com. moved for, 569

Settlement and Removal,
l. Question (Lord Berners), 1182

Seymour, Mr. H. D., *Poole*
Russia, War with—Operations in the Black Sea, 1032

Seymour, Mr. W. D., *Sunderland*
Conventual and Monastic Institutions, Com. 1216
Criminal Conversation, 2R. 1205
Middlesex Industrial Schools, 2R. 445
Russia, War with—Troops at Gallipoli, 999

Seymour, Sir Hamilton, Effects of,
l. Question (Lord Lyndhurst), 779
c. Observations (Lord J. Russell), 1033

Shaftesbury, Earl of
Chimney Sweepers, Com. 364; 3R. 1283

Shee, Mr. Serjeant W., *Kilkenny Co.*
Colonial Clergy Disabilities, Com. *cl.* 1, 811
Conventual and Monastic Institutions, Com. 133

Sibthorp, Colonel C. D. W., *Lincoln*
Army Estimates, 1386, 1388
Bribery, &c., at Elections, Com. 343; *cl.* 5, 350; *cl.* 6, 355, 356
Business of the House, 873, 875
Militia, Com. 1392; *cl.* 2, 1393
Russia, War with—Her Majesty's Message, Address moved, 307

Slave Trade,
c. Address moved (Sir G. Pechell), 426;—*Cuban Slave Trade,* Question (Sir G. Pechell), 1223

Smith, Rt. Hon. R. V., *Northampton*
Bribery, &c., at Elections, Com. Amend. 337, 345; *cl.* 5, 349
Oxford University, Com. 983; *cl.* 1, 1113; *cl.* 3, 1124

Smith, Mr. J. B., *Stockport*
Colonial Clergy Disabilities, Com. *cl.* 1, 803, 807

Soldiers' Wives, &c.,
l. Returns moved for (Lord St. Leonards), 367
c. Returns moved for (Col. Harcourt), 66

Solicitor General, The (Sir R. Bethell), *Aylesbury*
Bribery, &c., at Elections, Com. *cl.* 5, 349, 350, 352, 353; *cl.* 6, 355, 357

[*cont.*

Solicitor General, The—*continued.*
Colonial Clergy Disabilities, Com. *cl.* 1, 789, 801, 802, 807, 812, 813
Neutrals, Rights of, 525
Oxford University, Com. *cl.* 3, 1124, 1125; *cl.* 4, 1135, 1137
Real Estate Charges, Leave, 578

Sotheron, Mr. T. H. S., *Wiltshire, N.*
Oxford University, Com. *cl.* 1, 1112

Speaker, The (Rt. Hon. C. S. Lefevre), *Hampshire, N.*
Oxford University, Com. 966
Property Disposal, 2R. 484
Russia, War with—Her Majesty's Message, Address moved, 307

Spooner, Mr. R., *Warwickshire, N.*
Business of the House, 874
Conventual and Monastic Institutions, Com. 126
Episcopal and Capitular Estates, 2R. 54
Financial Statement—Ways and Means, 1485, 1486, 1490
Libraries and Museums, Public, 2R. Adj. moved, 456, 459
Oxford University, Com. *cl.* 3, 1125
Public Business—Orders of the Day, 1411

Spurn Point Bill,
c. 1R.* 672

Stafford, Mr. A. S. O., *Northamptonshire, N.*
Navy Estimates, 1336

Stanley, Lord, *King's Lynn*
Arctic Expedition, Papers moved for, 441
Libraries and Museums, Public, 2R. 460
North London Railway, 3R. 328

Stanley of Alderley, Lord (Paymaster of the Forces, and Vice-President of the Board of Trade)
Ministers' Money (Ireland), 2R. 833

Stannaries Court (No. 2) Bill,
c. 1R.* 836

Statues, Public, Bill,
c. 1R.* 1223

Stonor, Mr., Appointment of,
c. Question (Lord D. Stuart), 334;
Com. moved for (Mr. G. H. Moore), 527; Amend. (Mr. J. D. FitzGerald), 551; Amend. withdrawn, 566, [*m. q.* A. 115, N. 37, M. 78] 566

Stuart, Lord D. C., *Marylebone*
Greek Insurrection, 1025, 1031
Libraries and Museums, Public, 2R. 463
Middlesex Industrial Schools, 2R. Amend. 443, 453
Navy Estimates, 1341
Russia, War with—Her Majesty's Message, Address moved, 271;—Russian Ships in the Black Sea, 996, 1025, 1031;—Austrian Occupation of Servia, 998
Russo-Dutch Loan, 1308
Stonor, Mr., Appointment, of, 334

Supply, c.
Army Estimates, 1375
Navy Estimates, Supplemental, 1311
Ordnance Estimates, 1388

Testamentary Jurisdiction Bill,
l. Com. 59;
Re-Com. *cl.* 6, Amend. (Lord Wynford) 320; Amend. neg. 322;
cl. 20, Amend. (Bishop of St. Asaph), 322; Amend. neg. 324;
cl. 37, Amend. (Lord St. Leonards), 324, [Content 10, Not Content 14, M. 4] 325;
3 R. 670; Amend. (Lord Wynford), 671, [*o. q.* Content 7, Not Content 5, M. 2] 672; Bill passed, *ib.*
c. 1R.* 1105

Ticket-of-Leave System,
l. Observations (Lord St. Leonards), 1034, 1221
c. Question (Mr. F. Scully), 1223

Turkey and Greece, Relations between,
c. Question (Mr. M. Milnes), 522; (Rt. Hon. T. M. Gibson), 875; (Mr. Cobden), 1003

Turkey and Russia, see *Russia, War with.*

Unauthorised Negotiations Bill,
l. 1R. 605

Vance, Mr. J., *Dublin, City*
Criminal Procedure, Leave, 436
Emigration Depôt (Ireland), 583
Financial Statement—Ways and Means, 1483

Vane, Lord A. F. C. W., *Durham, N.*
Militia, Com. *cl.* 1, 1393
Navy Estimates, 1374

Vane, Lord H. G., *Durham, S.*
North London Railway, 3R. 332
Reform, Parliamentary, Postponement of, 856

Vansittart, Mr. G. H., *Berkshire*
Income Tax, 3R. 110
Militia, Com. 1392

Vernon, Mr. G. E. H., *Newark-upon-Trent*
Oxford University, 2R. 714
Stonor, Mr., Appointment of, Com. moved for, 555

Waddington, Mr. D., *Harwich*
North London Railway, 3R. 333
Railway and Canal Traffic, Leave, 605

Wages, Payment of, Bill,
c. Com. Amend. (Sir H. Halford), 876; Amend. withdrawn, 877

Walcott, Rear-Adm. J. E., *Christchurch*
Arctic Expedition, Papers moved for, 439
Navy Estimates, 1326

Walpole, Rt. Hon. S. H., *Midhurst*
Bribery, &c., at Elections, Com. 342; *cl.* 5, 348, 350; Amend. 352, 353; *cl.* 6, 354, 357
Business of the House, 874

[*cont.*

WALPOLE, Rt. Hon. S. H.—*continued.*
Colonial Clergy Disabilities, Com. *cl.* 1, 797, 802, 813; *cl.* 4, 1128, 1132
Oxford University, 2R. 768; Com. 991, 992; *cl.* 3, 1124; *cl.* 4, 1128, 1132; *cl.* 5, 1137, 1141; *cl.* 6, Amend. 1142, 1165, 1167; *cl.* 10, 1275

WALSH, Sir J. B., *Radnorshire*
Navy Estimates, 1327
Russia, War with—Transport of Troops, 993, 994, 1228

WARNER, Mr. E., *Norwich*
Bribery, &c., at Elections, Com. *cl.* 6, 358
Oxford University, 2R. 709

Ways and Means—Financial Statement,
c. Statement (Chancellor of the Exchequer), 1413; Res. 1481, 1483;—*Exchequer Bonds,* 1484

WESTMEATH, Marquess of
Justice, Administration of (Ireland), Papers moved for, 1395, 1398, 1405

WHITESIDE, Mr. J., *Enniskillen*
Bribery, &c., at Elections, Com. *cl.* 6, 358
County Courts Extension Act Amendment, 2R. 468
Criminal Conversation, 2R. 1204
Dublin University, Leave, 398
Mortmain, 2R. 1195
Property Disposal, 2R. 470, 475, 480
Railway and Canal Traffic, Com. 1243; *cl.* 3, 1391
Stonor, Mr., Appointment of, Com. moved for, 554
Witnesses, 2R. 1171

WIGRAM, Mr. L. T., *Cambridge University*
Episcopal and Capitular Estates, 2R. 51
Oxford University, 2R. 719, 765; Com. 990; *cl.* 1, 1115; *cl.* 6, 1162

WILKINSON, Mr. W. A., *Lambeth*
Railway and Canal Traffic, Leave, 601; Com. 1237

WILLIAMS, Mr. W., *Lambeth*
Business of the House, 874
Financial Statement—Ways and Means, 1484

WILLOUGHBY, Sir H. P., *Evesham*
Bribery, &c., at Elections, Com. 346
Financial Statement, 904;—Ways and Means, 1493
Navy Estimates, 1369
Oxford University, Com. 990; *cl.* 4, 1126; *cl.* 5, 1140, 1141; *cl.* 9, Amend. 1274
Russia, War with—Operations in the Black Sea, 1031

Witnesses Bill,
c. 1R.* 836;
2R. 1170

WOOD, Rt. Hon. Sir C. (President of the Board of Control), *Halifax*
Financial Statement—Ways and Means, 1489, 1491
Indian Budget, 784, 785
Libraries and Museums, Public, 2R. 461

WORTLEY, Rt. Hon. J. A. S., *Buteshire*
Criminal Procedure, Leave, 434
Stonor, Mr., Appointment of, Com. moved for, 552

Wreck and Salvage Bill,
c. 1R.* 836

WYNFORD, Lord
Testamentary Jurisdiction, Re-Com. *cl.* 6, Amend. 320; 3R. Amend. 671

WYNN, Major H. W. W., *Montgomeryshire*
Military Rewards, 1308

YOUNG, Rt. Hon. Sir J. (Secretary for Ireland), *Cavan, Co.*
Arran, Postal Communication with, Address moved, 424
Dublin University, Leave, 396
Emigration Depôt (Ireland), 584
Episcopal and Capitular Estates, 2R. 50
Militia, Leave, 1173

Woodfall and Kinder, Printers, Angel Court, Skinner Street, London.

K 28 MAR 1973